



479722

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2015	.	
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	.	
	.	

The Committee on Governmental Oversight and Accountability
(Latvala) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 119.0701, Florida Statutes, is amended
to read:

119.0701 Contracts; public records.—

(1) For purposes of this section, the term:

(a) "Contractor" means an individual, partnership,
corporation, or business entity that enters into a contract for



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11 services with a public agency and is acting on behalf of the
12 public agency as provided under s. 119.011(2).

13 (b) "Public agency" means a state, county, district,
14 authority, or municipal officer, or department, division, board,
15 bureau, commission, or other separate unit of government created
16 or established by law.

17 (2) In addition to other contract requirements provided by
18 law, each public agency contract for services must include:

19 (a) The following statement, in substantially the following
20 form, identifying the name and contact information of the public
21 agency's custodian of public records in at least 14-point,
22 boldface type:

23
24 THE REQUIREMENTS OF SECTION 119.0701, FLORIDA STATUTES, APPLY TO
25 THIS CONTRACT UNLESS ...(name of public agency)... HAS
26 DETERMINED AND EXPRESSLY STATED IN THIS CONTRACT THAT ...(name
27 of individual, partnership, corporation, or business entity)...
28 IS NOT A CONTRACTOR. IF YOU HAVE QUESTIONS REGARDING THE
29 APPLICATION OF SECTION 119.0701, FLORIDA STATUTES, TO YOUR DUTY
30 TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT
31 ...(name of custodian of public records)... AT ...(telephone
32 number, e-mail address, and mailing address)....

33
34 (b) A provision that requires the contractor to comply with
35 public records laws, specifically to:

36 1.-(a) Keep and maintain public records that ordinarily and
37 necessarily would be required by the public agency in order to
38 perform the service.

39 2.-(b) Upon request from the public agency's custodian of



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40 public records, provide the public with access to public records
41 on the same terms and conditions that the public agency would
42 provide the records and at a cost that does not exceed the cost
43 provided in this chapter or as otherwise provided by law.

44 ~~3.(e)~~ Ensure that public records that are exempt or
45 confidential and exempt from public records disclosure
46 requirements are not disclosed except as authorized by law.

47 ~~4.(d)~~ Keep and maintain public records, upon completion of
48 the contract, which ordinarily would be required by the public
49 agency in order to perform the service, or ~~Meet all requirements~~
50 ~~for retaining public records and~~ transfer, at no cost, to the
51 public agency all public records in possession of the contractor
52 ~~upon termination of the contract~~ and destroy any duplicate
53 public records that are exempt or confidential and exempt from
54 public records disclosure requirements. Upon request from the
55 public agency's custodian of public records, all records stored
56 electronically must be provided to the public agency in a format
57 that is compatible with the information technology systems of
58 the public agency.

59 (3) A records request for public records relating to a
60 public agency's contract for services must be made directly to
61 the public agency. If the public agency does not possess the
62 requested records, the public agency shall immediately notify
63 the contractor of the request, and the contractor must produce
64 the records within a reasonable time. A contractor who fails to
65 produce the records within a reasonable time is subject to
66 penalties under s. 119.10.

67 ~~(4)(3)~~ If a contractor does not comply with a public
68 records request, the public agency shall enforce the contract



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69 provisions in accordance with the contract.

70 (5) If a civil action is filed against a public agency or a
71 contractor who continues to possess public records to compel
72 production of such records relating to the public agency's
73 contract for services, the court shall assess and award against
74 the responsible public agency or contractor the reasonable costs
75 of enforcement, including reasonable attorney fees, if the party
76 filing the action provided written notice of the public records
77 request, including a statement that the contractor has not
78 complied with the request. This notice must be sent by certified
79 mail to the public agency's custodian of public records at least
80 3 business days before filing the action, and must be provided
81 to the contractor if the contractor is a named party in the
82 action.

83 Section 2. This act shall take effect upon becoming a law.

84
85 ===== T I T L E A M E N D M E N T =====

86 And the title is amended as follows:

87 Delete everything before the enacting clause
88 and insert:

89 A bill to be entitled
90 An act relating to public records; amending s.
91 119.0701, F.S.; requiring that a public agency
92 contract for services include a statement providing
93 the name and contact information of the public
94 agency's custodian of records; prescribing the form of
95 the statement; revising required provisions in a
96 public agency contract for services regarding a
97 contractor's compliance with public records laws;



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98 requiring that a public records request relating to
99 records for a public agency's contract for services be
100 made directly to the agency; requiring a contractor to
101 produce requested records under specified
102 circumstances; specifying applicable penalties for a
103 contractor who fails to produce requested records;
104 specifying circumstances under which a court may
105 assess and award reasonable costs of enforcement
106 against a public agency or contractor; providing an
107 effective date.