

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Gaetz offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

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

7 119.0701 Contracts; public records.—

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

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

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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 entered into or
19 amended on or after July 1, 2015, must include:

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

24
25 IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICABILITY
26 OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY
27 TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT,
28 CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT ...(telephone
29 number, e-mail address, and mailing address)....

30
31 (b) A provision that requires the contractor to comply
32 with public records laws, specifically to:

33 1.(a) Keep and maintain public records that ordinarily and
34 necessarily would be required by the public agency in order to
35 perform the service.

36 2.(b) Provide the public with access to public records on
37 the same terms and conditions that the public agency would
38 provide the records and at a cost that does not exceed the cost
39 provided in this chapter or as otherwise provided by law.

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40 3.(e) Ensure that public records that are exempt or
41 confidential and exempt from public records disclosure
42 requirements are not disclosed except as authorized by law for
43 the duration of the contract term and following completion of
44 the contract if the contractor does not transfer the records to
45 the public agency.

46 4.(d) Upon completion of the contract, ~~Meet all~~
47 ~~requirements for retaining public records and~~ transfer, at no
48 cost, to the public agency all public records in possession of
49 the contractor or keep and maintain public records that
50 ordinarily and necessarily would be required by the public
51 agency in order to perform the service. If the contractor
52 transfers all public records to the public agency upon
53 completion of the contract, the contractor shall ~~upon~~
54 ~~termination of the contract and~~ destroy any duplicate public
55 records that are exempt or confidential and exempt from public
56 records disclosure requirements. If the contractor keeps and
57 maintains public records upon completion of the contract, the
58 contractor shall meet all applicable requirements for retaining
59 public records. All records stored electronically must be
60 provided to the public agency in a format that is compatible
61 with the information technology systems of the public agency.

62 (3) If a contractor does not comply with a public records
63 request, the public agency shall enforce the contract provisions
64 in accordance with the contract.

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65 (4) A contractor is only liable for attorney fees pursuant
66 to s. 119.12 if the public records request is made to the
67 contractor's registered agent.

68 Section 2. This act shall take effect July 1, 2015.

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71 **T I T L E A M E N D M E N T**

72 Remove everything before the enacting clause and insert:

73 A bill to be entitled

74 An act relating to public records; amending s.
75 119.0701, F.S.; revising required provisions in a
76 public agency contract for services regarding a
77 contractor's compliance with public records laws for
78 contracts signed or amended on or after a specified
79 date; specifying penalties for a contractor who fails
80 to comply with certain provisions; providing an
81 effective date.