



MEMORANDUM

TO: AAA Directors **NOTICE #:** 072413-1-I-OCFM

FROM: Charles T. Corley
Secretary

DATE: July 24, 2013

SUBJECT: Notice of Instruction: House Bill 1309 Procurement of
Commodities and Contractual Services

The purpose of this Notice of Instruction is to transmit the changes to the public records law, Chapter 119, Florida Statutes, as it relates to contractors.

**CHARLES T. CORLEY
SECRETARY**

House Bill 1309 created changes to a portion of the public records law, Section 119.0701, Florida Statutes, which may require changes to your existing contracts with your providers. The bill states that a contractor who enters into a contract for services with a public agency and is acting on behalf of the agency, as provided in Section 119.011(2), Florida Statutes, is required to include a provision in its contract that requires compliance with the public records laws, specifically to:

- Keep and maintain public records that ordinarily and necessarily would be required by the public agency in order to perform the service;
- Provide the public with access to public records on the same terms and conditions that the public agency would provide the records and at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law;
- Ensure that public records that are exempt or confidential and exempt from public records disclosure requirement are not disclosed except as authorized by law; and
- Meet all requirements for retaining public records and transfer, at no cost, to the public agency all public records in possession of the contractor upon termination of the contract and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the public agency in a format that is compatible with the information technology systems of the public agency.

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House Bill 1309 also provides that if a contractor does not comply with a public records request, the public agency shall enforce the contract provisions in accordance with the contract.

If you have any questions, please contact your contract manager. Thank you for your cooperation.

CTC/rh

cc: Jon Manalo, Department of Elder Affairs
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