



RICK SCOTT
GOVERNOR

ELIZABETH DUDEK
SECRETARY

November 7, 2013

Dear LTC HMOs, Capitated and LTC Fee-for-Service PSN:

Section 119.0701, F.S. (2013) is in effect and compliance will be monitored by the Agency. LTC plans are advised to read the below section and consult with their legal counsel if they have any questions.

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

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

(2) In addition to other contract requirements provided by law, each public agency contract for services must include a provision that requires the contractor to comply with public records laws, specifically to:

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

(b) 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 this chapter or as otherwise provided by law.

(c) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law.

(d) 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.



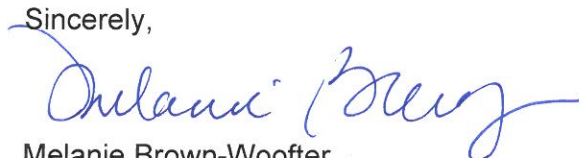
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(3) If a contractor does not comply with a public records request, the public agency shall enforce the contract provisions in accordance with the contract.

Please refer to the contractual requirements described in the State of Florida Agency for Health Care Administration Standard Contract, Section I, paragraph M.5 in the LTC Contract.

If you have questions or concerns, please contact your Bureau of Health Systems Development contract manager.

Sincerely,



Melanie Brown-Woofter
Chief, Bureau of Health Systems Development

MBW/slc