

## PROPOSED EMERGENCY REGULATION

### FSU-ER21-3 Public Records: Uniform Charge Procedure.

(1) This regulation constitutes the University's uniform procedure for the assessment and collection of charges for the duplicating or copying of public records, at the request, or for the benefit of, any individual citizen or non-University-related, non-state agency organization or enterprise.

(2) In construing this rule where context will permit:

(a) The following terms are defined by the provisions of Section 119.011, F.S.:

1. "Public Records";
2. "Criminal Intelligence Information";
3. "Criminal Investigative Information".

(b) "Directory Information – Students".

1. This term consists of, and applies to the following information on a student:

- a. Name, date and place of birth;
- b. Local address and University provided email address;
- c. Permanent address;
- d. Classification;
- e. Major field of study;
- f. Participation in official University activities and sports;
- g. Weight and height of members of athletics teams;

- h. Dates of attendance at the University;
- i. The most recently attended educational institution;
- j. Degrees, Honors and Awards Received.
- k. Student identifier number, commonly known as EMPLID.

2. Directory information on students may be released or published by the University without prior written consent of the student, unless exception is made in writing by the student.

(3) Records Confidential or Exempt from Public Inspection. The University may not provide those records confidential or exempt from public disclosure by Section 119.071, F.S., or any other general law or special act when such laws or acts are applicable to an activity of the University. Confidential or exempt records of the University include:

- (a) Criminal intelligence records.
- (b) Criminal investigation records.
- (c) Academic evaluations of employee performance.
- (d) Certain student records, including those in the academic permanent folder, excluding directory information as defined herein.
- (e) Records of the University Health Center and Counseling Center.
- (f) Records of the University Attorney prepared for or in anticipation of adversarial criminal, civil or administrative proceedings.
- (g) Sealed bids, proposals, or replies received pursuant to a competitive solicitation and, prior to their opening or notice of an intended decision.
- (h) Documents regarding negotiations for acquisition of real estate.
- (i) Data processing software obtained under a licensing agreement which prohibits

disclosure.

(j) Trade Secrets.

(k) Complaints and other records relating to a complaint of discrimination involving race, color, religion, sex, national origin, age, handicap, marital status, hiring practices, position classification, salary benefits, discipline, discharge, evaluation, or other related activities.

(l) Certain records related to Research and Grants.

(m) The records of direct support organizations such as the Florida State University Foundation, and the Seminole Boosters.

(4) Uniform Charge Procedure.

(a) Persons or organizations making requests for copies of public records shall reimburse the University for applicable costs. If the nature or volume of the record(s) is such as to require extensive clerical or supervisory assistance by University personnel in addition to the cost of duplication, a special service charge shall be assessed based on labor costs as provided herein. Charges for copying public records shall be levied and collected by the custodian of the records reproduced.

(b) Private citizens or private organizations shall be assessed a charge of 15 cents per one sided copy, and an additional 5 cents per two-sided copy. Each printed side of a copy shall count as a page.

(c) When University personnel time or supervisory assistance devoted to researching, retrieval and/or copying of University records or use of information technology resources exceeds thirty (30) minutes, it shall be considered extensive use of information technology resources or extensive clerical or supervisory assistance. In such case, the University may charge, in addition to the actual cost of duplication, a special service equal to the reasonable actual costs incurred.

(d) Computer discs or other portable storage devices provided by the University shall be charged at cost.

(5) Processing Payment for Copies.

(a) Fees assessed for the copying of public records shall be paid prior to the requester receiving the copies. Fees assessed as a special service charge shall be paid prior to any extensive use tasks being undertaken. Payment may be made by cash, check, or money order.

(b) All monies collected from such transactions shall be deposited with the University Cashier, using the standard University deposit slip, FSU Form DT118 (Rev. 6-73), incorporated herein by reference and available to record custodians from the University Printing and Postal Services office. The Cashier's Office requires only an original of the Deposit Slip.

(c) Depositors will use the Revenue Object Code 001901. The Explanation of Deposit on Form DT118 will be used to identify record revenues from transactions exceeding ten (10) pages of printed copy or services rendered in excess of thirty (30) minutes. Originators of the completed Deposit Slip may make copies of Form DT118 for departmental records and they may also be utilized by a custodian as a receipt for payment made and information received.

Specific Authority BOG Regulation 1.001(3)(j) Law Implemented 119.07(1), 1002.22, 1004.22, 1006.52, 1012.91 FS. History—Approved\_\_\_\_\_