

Summer 7-29-2014

## **SB [S] 55-009 Public Records Reform Act**

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University of South Florida  
Student Government Senate

SB [S] 55-009  
Public Records Reform Act  
55<sup>th</sup> Term  
Summer 2014



*The intent of this legislation is to update the way public records are handled in Student Government.*

A SENATE STATUTORY AMENDMENT

Be it enacted by the Senate of the University of South Florida Student Government assembled, that the following changes be made to the Student Government Statutes:

Chapter

205

Student Government Public Records Act<sup>1</sup>

205.1 It shall be the policy of Student Government to make all Public Records open for personal inspection and copying by any person. The following shall govern the storage, handling and processing of all Public records.

205.1.1 The Creator of a Public Record in any medium ~~Custodian of Public Records~~ shall be the ~~Student Government Advising, Training, and Operations Director or his or her designee~~, henceforth referred to as the Custodian.

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205.1.2 The Processor of Public Records shall be the Student Government Advising, Training, and Operations Director or designee, henceforth referred to as the Processing Agent.

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~~205.1.1~~ 205.1.3 The Requestor of Public Records shall be henceforth referred to as the Requestor.

~~205.1.2~~ 205.1.4 All Public Records shall be stored for a minimum of three (3) years.

~~205.1.3~~ 205.1.5 Request for Public Records shall be filled, in writing through means of a standardized form, to the Processing Agent ~~Custodian~~.

<sup>1</sup> The 50<sup>th</sup> Term Senate, through legislation, adds this chapter to statutes.

~~205.1.3.~~205.1.5.1 In the event that a request is made to a member of Student Government other than the Processing Agent, they must act in good faith and redirect the requestor to the Processing Agent within two (2) business days. ~~Student Government Officer or Employee other than the Custodian; the officer or Employee who initially receives the request must act in good faith and redirect the requestor to the Custodian's designee within 3 business days.~~

205.1.6 The owner or creator of a public record, upon written notification, must provide said requested record to the Processing Agent~~Custodian~~ in good faith within five (5) business days.

205.1.6.1 If the public record is not received by the Processing Agent within five (5) business days, a notification of non-compliance shall be sent to the Custodian by the appropriate parties found in Title I.

205.1.6.2 The Processing Agent shall notify the Requestor if the public record requested does not exist.

~~205.1.4.~~205.1.6.3 If the public record requested is found on the Student Government website, the Processing Agent shall redirect the Requestor to the appropriate webpage.

~~205.1.5.~~205.1.7 Public records shall be provided in any medium in which the record can be found. ~~h~~Hard copy forms of public records can be requested only, at a cost of \$0.15 per one-sided copy and \$ .20 per two-sided copy (not larger than 8.5x14). There shall be a \$1.00 charge per page per certified copy.

~~205.1.5.~~205.1.7.1 A reasonable service charge based on costs incurred for extensive clerical and/or supervisory assistance may be charged to the requestor.

205.1.7.2 Costs incurred that are less than \$1.00 may be waived at the Processing Agent's~~Custodian's~~ discretion.

~~205.1.5.~~205.1.7.3 If the public record is in or requested in an audio format, the requestor shall provide their own audio transfer device.

~~205.1.6.~~205.1.8 Any person shall have the rights of access for the purpose of photographing a public record while the record is in the possession and supervision of the Processing Agent~~Custodian~~.

~~205.1.6.~~205.1.8.1 All inspections and copying of records shall be supervised by the Processing Agent~~Custodian~~. ~~The Processing Agent~~~~Custodian~~ shall make reasonable efforts to discern whether a requested record exists, and if so, the location of said record.

~~205.1.6.~~205.1.8.2 Request for photographic access and related cost must be agreed upon in advance between Processing Agent~~eustodian~~ and requestor. If an agreement can't be reached the Processing Agent~~eustodian~~ will set the fee.

~~205.1.7.~~205.1.9 Information protected by the University or law are not public records and are exempt from a public records request. If exempted material is requested, the request shall be denied and the reason for denial explained in writing to the requestor.

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205.2 The following shall govern the integrity of all Public Record materials:<sup>2</sup>

- 205.2.1 No officer or member of Student Government, including its Agencies and Bureaus, may tamper with, amend, or destroy any Public Record.
- 205.2.2 A reasonable attempt shall be made to ensure that a Public Record accurately reflect the correspondence, discussion, or course of action referred to in the record.
- 205.2.3 A reasonable attempt shall be made to ensure that the minutes of all Student Government meetings be transcribed to accurately reflect a verbatim transcript of the entire course dialogue throughout the meeting, beginning with the Call to Order and terminating only upon Adjournment.
  - 205.2.3.1 In relation to the aforementioned clause, a Student Government meeting shall be defined as any meeting of a Branch, Agency, Committee, or Task Force with at least twenty four (24) hours' notice discussing or deliberating on a matter which some foreseeable action will be taken by at least one member of the meeting party.
  - 205.2.3.2 Minutes shall not be disbursed or published until they have been formally accepted by the meeting body to be valid and accurate. The minutes must be accepted within ~~thirty~~twenty (320) business days or the next meeting, whichever occurs later.
  - 205.2.3.3 Upon their acceptance, the minute taker shall forward the minutes to the designated SG Webmaster(s)~~Webmaster~~ within five (5) Business Days. The designated Webmaster(s) shall publish the minutes on the Student Government Website within an additional ~~ten~~five (105) Business Days.
- 205.2.4 The following statement shall be included in all correspondence sent from a Student Government e-mail account, "The Student Government Association of the University of South Florida is considered a public entity under Florida Law, and all written forms of communication are subject to the state of Florida's public request policies. Therefore, any communication through email sent to and from this entity is eligible for public record requests and public disclosure."<sup>3</sup>
- 205.2.5 All Legislative Bills, Executive Orders, and Supreme Court Opinions shall be forwarded to the designated Webmaster(s) within five (5) Business Days of it being signed into effect, or issuance, to be placed in their respective section(s) on the Student Government Website. The designated Webmaster(s) shall publish the documents on the Student Government Website within an additional five (5) Business Days.

<sup>2</sup> SB [S] 51-009 inserts clause and all subsequent clauses throughout the remainder of chapter

<sup>3</sup> SB [S] 54-019 revises the Public Records Email Notification to include more accurate wording



Andy Rodriguez  
Andy Rodriguez, Student Body Senate President

7/30/14  
Date

Jean Cocco  
Jean Cocco, Student Body President & Trustee

8/5/14  
Date

SB [S] 55-009

Author: Abdool Aziz, Senate President Pro Tempore

Sponsor: Abdool Aziz, Senate President Pro Tempore

Samuel Shiflett, Senator for the College of Engineering

Committee Action: (5-0-1)

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