

**STATE UNIVERSITY SYSTEM OF FLORIDA
BOARD OF GOVERNORS**
March 30, 2022

SUBJECT: Public Notice of Intent to Approve Amendment to Board of Governors Regulation 3.005, Examination and Assessment Instruments

PROPOSED BOARD ACTION

Consider approval of the amendment to Board of Governors Regulation 3.005, Examination and Assessment Instruments.

AUTHORITY FOR BOARD OF GOVERNORS ACTION

Article IX, Section 7, Florida Constitution

BACKGROUND INFORMATION

During the 2021 legislative session, section 1008.23, Florida Statutes, was amended to protect postsecondary examination and assessment instruments and directly related developmental materials and workpapers from disclosure to the public under Florida's public records laws. Section 1008.23 provides for the Board of Governors to adopt a regulation that governs access, maintenance, and destruction of the instruments and related materials for the state universities. The proposed regulation will require each university to adopt a regulation that, at a minimum, includes provisions for protecting the instruments from unauthorized access or disclosure; for maintaining the security of the instruments; for ensuring third-party contractors' compliance with the university regulation; for the destruction of obsolete instruments; and for governing authorized access or disclosure outside of the regular examination process.

The Public Notice of Intent to Adopt Board of Governors Regulation 3.005, Examination and Assessment Instruments, was approved by the Board of Governors on January 25, 2022. Following approval of the public notice of intent, no public comments were received, and the new regulation is ready for final approval.

Supporting Documentation Included: Regulation 3.005, Examination and Assessment Instruments