

**FLORIDA BOARD OF GOVERNORS
NOTICE OF PROPOSED AMENDED REGULATION**

DATE: June 24, 2026

REGULATION NUMBER AND TITLE: 3.005, Examination and Assessment Instruments

SUMMARY: Board of Governors' Regulation 3.005, Examination and Assessment Instruments, establishes the expectations and parameters for universities to maintain and preserve examination or assessment instruments administered to students at the institution.

Board staff propose an amendment to Regulation 3.005 to align with the provisions of SB 7022 (2026), which was approved by the Governor on May 11, 2026. The legislation expands the public disclosure exemption for examination and assessment instruments under section 1008.23, Florida Statutes, and requires the Board of Governors to adopt a retention schedule and disposal process for instruments held by institutions and their respective boards of trustees. Board staff propose aligning this schedule with the schedule recommended by the Florida Department of State. This also aligns the regulation with the schedule used by the Florida Department of Education.

FULL TEXT OF THE REGULATION IS INCLUDED WITH THIS NOTICE.

AUTHORITY TO PROPOSE REGULATION(S): Section 7(d), Art. IX, Fla. Const.; BOG Regulation Development Procedure dated March 23, 2006.

THE BOARD OF GOVERNORS' OFFICIAL INITIATING THE PROPOSED REGULATION: Emily Sikes, Vice Chancellor of Academic and Student Affairs

COMMENTS REGARDING THE PROPOSED REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation on which you are commenting:

General Counsel, Board of Governors, State University System, 325 W. Gaines St., Suite 1614, Tallahassee, Florida 32399, (850) 245-0466 (phone), (850) 245-9685 (fax), or generalcounsel@flbog.edu.

Regulation 3.005 Examination and Assessments.

(1) All examination and assessment instruments, including developmental materials and workpapers directly related thereto, ~~that are prepared, prescribed, or administered~~ held by a university are exempt from disclosure under section 119.07(1), Florida Statutes, and section 24(a), Article I, Florida Constitution, as provided in section 1008.23, Florida Statutes. Such materials shall be maintained by the university pursuant to the General Records Schedule GS5 for Public Universities and Colleges as published by the Florida Department of State or General Records Schedule GS1 for State and Local Government Agencies, as applicable.

(2) Access, maintenance, and destruction of examination and assessment instruments and related developmental materials and workpapers shall be governed by university regulation, which, at a minimum, shall include provisions for the following.

- (a) Protecting the security and confidentiality of examination and assessment instruments from unauthorized access or disclosure.
- (b) Maintaining the security of such instruments through encrypted electronic means or secure storage, as applicable.
- (c) Requiring third-party contractors responsible for administering or proctoring examinations or assessments to comply with the university regulation.
- (d) Destruction of obsolete student examination and assessment scoring records ~~instruments and related materials~~ pursuant to the General Records Schedule GS5 for Public Universities and Colleges as published by the Florida Department of State or General Records Schedule GS1 for State and Local Government Agencies, as applicable ~~records retention schedules applicable to state universities.~~
- (e) Defining permissible access to, or authorized disclosure of, examination and assessment instruments to faculty, staff, and students outside of the regular examination or testing process.

Authority: Section 7(d), art. IX, Fla. Const.; Section 1008.23, Florida Statutes.

History—New 3-30-22; Amended XX-XX-26.