



USF System USF USFSP USFSM

Subject: USF St. Petersburg Public Records

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Purpose

This purpose of this procedure is to inform USF St. Petersburg (USFSP) of the requirements of the Public Records Law, to establish a clear process of how to respond to public records request, and to maintain one centralized list of public records requested and provided by this institution. The procedure is in compliance with USF System Policy O-106 (<http://generalcounsel.usf.edu/>).

Information

When a person receives a request to inspect or copy a USFSP record, it must be determined as to whether the requested record is public or confidential. Questions regarding public records law and exemptions should be referred to the Office of the General Counsel at (813) 974-2131. You may click here to access the Government in the Sunshine Manual for detailed information. <http://www.myfloridalegal.com/sun.nsf/sunmanual>

The public records law does not require one to create any records to fulfill the request, alter existing records to fulfill a request, or change the format of an existing record to fulfill a request. (AGO 92-38. *Cf. In re Report of the Supreme Court Workgroup on Public Records*, 825 So.2d 889, 898, Fla. 2002). Additionally, one does not have to begin copying records where responses are voluminous or time consuming; the university may ask the requestor for full payment before the copies are made.

Personal notes, even if they are about work related matters, which are neither shared with anyone nor filed as a permanent record, are not public records. This includes notes made at meetings that are kept solely for later recollection of the events.

Each college/department should identify a public record's representative for the purpose of coordinating requests of public records. This would include ensuring the requested record is public, clarifying the request for public records (if needed), responding to the requestor if the record is considered confidential, providing the requestor the estimated cost for copying (if appropriate), completing a Public Records Uniform Charge Document with the estimate and actual cost of duplication, ensuring that the public record is produced within a reasonable time, and updating a centralized list to be maintained for informational purposes.

Material Costs:

.15 cents per page for one-side copy of documents no more than 8 ½ X 14 inches

.20 cents per page for double-sided copy of documents no more than 8 ½ X 14 inches

All other copies – actual cost of duplication (material and supplies not labor)

CD-ROM: 85 cents each

DVD: \$1.15 each

Packaging and shipping charges: estimated costs may be changed to reflect actual costs incurred.

If documents are sent by email, you may only charge a service charge for extensive time.

If the duplication and labor do not exceed \$10, copies are furnished at no charge.

The charge for clerical resources, to review and redact exempt information, can be no greater than the hourly rate, including benefits, of the lowest paid personnel capable of providing the service. Labor costs are only warranted if the volume requires more than 30 minutes of agency resources. Charges will apply only to the time expended after the first thirty minutes.

Waiver of fees

If it is determined that a waiver or reduction of fees is in the best interest of the institution, one may furnish copies without charge or at a substantially reduced fee.

Media Requests

Refer media requests of public records to External Affairs. External Affairs will coordinate with the appropriate offices and gather the documents (if appropriate) for the reporter.

Responding to a Public Records Request:

1. USFSP will acknowledge receipt of the public records request either verbally or in writing. If USFSP believes it would help to ensure the accuracy of the request for public records, you may ask the requestor to document the request in writing. However, there is no requirement under the Public Records Act that requires the request to be in writing.
2. The department/college representative will provide information to Human Resources (HR) about the public records request. The information provided will include requestor's name, date of request, and what was requested.
3. USFSP will estimate the cost for duplication of the documents (see Material Costs above). An estimate will be provided to the requestor prior to making copies of any documents. This estimate will be documented on the Public Records Uniform Charge Document form.
4. The requestor will make payment to the Cashier's Office at USFSP prior to the documents being produced if the cost of duplication exceeds \$20. If the cost of the documents being produced is more than \$10 but less than \$20, the department/college may opt to copy the documents prior to receiving payment.
5. The custodian of record will review the documents prior to copying to ensure that exempt information is either deleted or redacted.
6. Documents will be copied as requested within a reasonable amount of time. A reasonable amount of time depends upon such factors as to the extent of the request, physical location of the documents, and time required to review the request for applicable exemptions under Florida law.

7. The requestor will be notified as to the place to pick up the requested documents. The requestor must show receipt of payment prior to picking up the documents.
8. The department/college representative will inform HR to finalize the public records request information by providing information on the outcome of the request, cost (if any), and date of pick up.

Records Retention:

As a public institution chartered by the State of Florida, the USF System follows the General Records Schedules promulgated by the Florida Department of State. These General Records Schedules shall serve as a guideline for the *minimum* period of time that an entity within the institution shall maintain custody of records under Chapter 119, Laws of Florida, and other applicable statutes. The schedules applicable for USFSP entities include the following:

GS5: Universities and Community Colleges (or successive documents as mandated by the Florida Legislature and/or Florida Department of State) – For general university records.

GS2: Law Enforcement, Correctional Facilities, and District Medical Examiners (or successive documents as mandated by the Florida Legislature and/or Florida Department of State) -- For certain records maintained by USFSP University Police Services.

In addition, for records of special provenance or records involving other entities of Florida government, staff may wish to consult the following:

GS1-SL: State and Local Government Agencies (or successive documents as mandated by the Florida Legislature and/or Florida Department of State).

For records that may possess enduring administrative, evidential, fiscal, legal, or intrinsic value, the office of origin or records custodian should consult with Special Collections and University Archives, Nelson Poynter Memorial Library, regarding long-term or permanent storage, as well as placement of such materials in a public or limited access collections of the USFSP Digital Archive.