

2006 LEGISLATIVE ISSUE FORM

BOG/SUS ISSUE: **Transfer of Appropriation for Fixed Capital Projects**



PROPOSED STATUTORY LANGUAGE: *Attached*

1. Change Needed: Section 216.292(5), F.S.

The Board of Governors would request legislative delegation of the authority to approve transfer of funds remaining from an appropriated fixed capital outlay project to another appropriated fixed capital outlay project within certain limited circumstances.

2. Current Condition:

Current law requires that the governor make a request of the Legislative Budget Commission on behalf of a university to transfer funds remaining from an appropriated fixed capital outlay project to another project. For any such request to be considered, both projects must be funded in the same year, be from the same fund, and be within the same university. The scope of neither project can be changed as a result of the transfer of such funds.

3. Rationale for Change:

Delegating the authority to make such transfers to the Board of Governors would streamline the process by removing one step. Under the proposed language, requests to transfer funds in this situation would be made directly to the decision making body instead of to an intermediary. In addition, the Legislative Budget Commission does not schedule meetings consistently, making it more difficult to plan when such circumstances arise.

4. Fiscal Impact:

There is no fiscal impact.

5. Justification for BOARD OF GOVERNOR'S Priority (if applicable):

The authority to approve transfer of remaining funds from appropriated fixed capital outlay projects enhances the ability of the Board of Governors to manage the public universities as required by Florida's Constitution.

6. Link to BOG Strategic Plan:

This authority provides additional flexibility for addressing facility needs of the universities, increasing access and supporting the education of Florida's students.

PROPOSED STATUTORY LANGUAGE

Section 216.292(5), F.S.

(d) When appropriated funds remain after a named fixed capital outlay project at a university is completed, the university board of trustees for the university may request approval from the Board of Governors that the remaining appropriated funds be transferred to another project for which there has been an appropriation in the same fiscal year from the same fund and within the same university where the funds remain. The scope of a fixed capital outlay project may not be changed by any transfer of funds made pursuant to this subsection. All requests and actions taken on these requests by the Board of Governors, made pursuant to this subsection, shall be reported to the Legislative Budget Commission, the Governor, and to the Department of Education.

(~~e~~) *Language unchanged*

(~~f~~) *Language unchanged*

(~~g~~) *Language unchanged*