

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

**DATE:** September 3, 2019

**REGULATION NUMBER AND TITLE:** 14.0025, Fixed Capital Outlay Budget

**SUMMARY:** The proposed amendments re-establishes a role for the Chancellor relative to the Fixed Capital Outlay Budgets, and provides for Board of Governor's approval of fixed capital outlay budgets in parallel to the approval of university operating budgets as provided in Board Regulation 9.007, **State University Operating Budgets:**

**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:** Chris Kinsley, Assistant Vice Chancellor, Finance and Facilities

**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 Street, Suite 1614, Tallahassee, Florida 32399, (850) 245-0466 (phone), (850) 245-9685 (fax), or [generalcounsel@flbog.edu](mailto:generalcounsel@flbog.edu)

#### 14.0025 ~~Action Required Prior to~~ Fixed Capital Outlay Budget Request

(1) All fixed capital outlay projects ~~No new construction or remodeling project shall be requested by a university for inclusion on the first year of the 3-year, PECO-eligible priority list~~ must have without being recommended in an educational plant survey. Fixed capital outlay ("FCO") is a budgeting category which includes 1) authorized PECO projects; 2) CITF projects; 3) authorized projects from E&G carryforward; 4) projects authorized pursuant to the Board of Governors Debt Management Guidelines; and any other FCO projects as designated in Florida Statutes.

(2) The university is responsible for the preparation of the building program. The program shall be consistent with the university strategic plan, academic and facilities master plan, and shall include the project budget and the building codes applicable to the project.

(3) The university president shall have the responsibility for the building program review and approval to assure compatibility with the institution's approved strategic plan, master plan, educational plant survey and with space utilization criteria. Building programs approved by the university president, and budgets approved by the university board of trustees shall serve as the basic planning documents for development of plans and specifications for construction.

(4) Proposals for fixed capital outlay projects to be funded by Capital Improvement Fees shall be prepared by the university, and submitted to the Board of Governors. Each proposed project shall be approved by the university president after consultation with the student government association. For the purpose of this regulation, "consultation" is defined as an ongoing dialogue with the student body president prior to developing the university proposal. An attachment containing any objections and alternatives, and stating that both the university president and the student government association have reviewed the project proposals, shall be included in the proposal.

(5) Effective for the 2020-2021 fiscal year, each university president will prepare a fixed capital outlay budget for approval by the board of trustees in accordance with the instructions, guidelines, and standard formats provided by the Chancellor. The fixed capital outlay budget must include both new construction and previously approved projects which have not yet been completed. Each university board of trustees shall adopt an annual fixed capital outlay budget that must be presented to the Board of Governors for approval by the date established by the Chancellor.

(6) Fixed capital outlay project expenditures may be made by the university, subject to approval of the board of trustees. Budget approval by the Board of Governors, or budget amendment approval by the Chancellor as provided in section (7) is required.

Such approvals remain in effect for the life of the project; and do not expire at the end of the fiscal year.

(7) The Chancellor is hereby authorized to approve amendments to the fixed capital outlay budget as approved by the university board of trustees in a cumulative amount not to exceed \$5,000,000. Cumulative amendments in excess of \$5,000,000 require approval of the Board of Governors.

(8) The fixed capital outlay budget must include provisions for any new construction; construction work in progress; and the maintenance, repair, remodeling and renovation of the existing educational plant; ancillary plant and auxiliary facilities subject to the following definitions:

(a) "New construction" means any construction of a building or unit of a building in which the entire work is new or an entirely new addition connected to an existing building or which adds additional square footage to the space inventory.

(b) "FCO Maintenance and Repair" means those funds designated for the upkeep of university facilities, site and site improvements. In many instances, planned expenditures may be appropriately budgeted from either the FCO Maintenance and Repair category or the Plant Operations and Maintenance category.

Roof or roofing replacement short of complete replacement of membrane or structure; repainting of interior or exterior surfaces; resurfacing of floors; repair or replacement of glass; repair of hardware, furniture, equipment, electrical fixtures, and plumbing fixtures; and repair or resurfacing of parking lots, roads, and walkways are all examples of the types of expenses that could be charged to either FCO Maintenance and Repair or Plant Operations and Maintenance.

The term "FCO maintenance and repair" does not include custodial or grounds-keeping functions, or recurring utility charges such as electricity, these are more appropriately charged to Plant Operations and Maintenance.

or renovation except for the replacement of equipment with new equipment of equal systems meeting current code requirements, provided that the replacement item neither places increased demand upon utilities services or structural supports nor adversely affects the function of safety to life systems.

(c) "Remodeling" means the changing of existing facilities by rearrangement of spaces and their use and includes, but is not limited to, the conversion of two classrooms to a science laboratory or the conversion of a closed plan arrangement to an open plan configuration. The university may not use current year E&G Operating funds for remodeling projects.

(d) "Renovation" means the rejuvenating or upgrading of existing facilities by installation or replacement of materials and equipment and includes, but is not limited to, interior or exterior reconditioning of facilities and spaces; air-conditioning, heating, or ventilating equipment; fire alarm systems; emergency lighting; electrical systems; and complete roofing or roof replacement, including replacement of membrane or structure; and upgrades and replacement of campus infrastructure, including, but not limited to roads, water, sewer, gas, steam, chilled water loops, and electrical systems. The university may not use current year E&G operating funds for renovation projects.

(9) University boards of trustees may budget the following fixed capital outlay categories at a summary level by fund source, not to exceed \$1,000,000 per project:

- (a) FCO Maintenance and Repair Projects
- (b) Remodeling Projects
- (c) Renovation Projects

If the university opts to budget at the summary level, it must provide a detailed update on actual spending by project on an annual basis in connection with the FCO Budget approval; or as may be otherwise requested by the Board or the Chancellor.

~~(10) Notwithstanding any other provision of Board regulations, fixed capital outlay project budgets approved by the Board of Governors prior to the effective date of this regulation remain in effect until June 30, 2021.~~

Authority: Section 7(d), Art. IX, Fla. Const., History-Formerly 6C-14.0025, 1-24-89, Amended 1-13-99, Amended and Renumbered as 14.0025, 3-27-08, Amended 11-21-13, \_\_\_\_\_.