

**STATE UNIVERSITY SYSTEM OF FLORIDA  
BOARD OF GOVERNORS  
Budget and Finance Committee  
March 28, 2023**

**SUBJECT:** Public Notice of Intent to Amend Board of Governors Regulation 9.013  
Auxiliary Operations

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**PROPOSED COMMITTEE ACTION**

Approve the Public Notice of Intent to Amend Regulation 9.013.

**AUTHORITY FOR BOARD OF GOVERNORS ACTION**

Article IX, Section 7, Florida Constitution; Board of Governors Regulation Development Procedures

**BACKGROUND INFORMATION**

Universities have a variety of auxiliary services that include, but are not limited to; housing, parking, food service, bookstore, telecommunications, printing, postal services, and computing services. This regulation outlines the integral service that auxiliaries provide to the university community.

Each university determines whether its auxiliaries are self-supporting on an individual or collective basis, except for athletics, which must be a self-supporting entity. This restriction goes back to the Board of Regents.

An amendment is being recommended that allows the use of unreserved cash from a non-athletic auxiliary to be used for athletics within certain parameters. The university Board of Trustees may make a recommendation to the Board of Governors for use of this unrestricted cash on a case by case basis, taking into consideration the unique facts and circumstances surrounding each individual situation. The university must provide, at a minimum, the following information to the Board of Trustees and Board of Governors:

- a. the non-athletic auxiliary the funds are coming from;
- b. justification that the use of unreserved cash will benefit the broader student body or university community;
- c. if the non-athletic auxiliary has outstanding debt, verification that the funds are unrestricted cash balances and that sufficient current revenues exist to cover all expenditures, including debt service payments and required reserves;

- d. assurance by the university, with concurrence by the Division of Bond Finance, that the transfer does not violate bond covenants; and
- e. documentation that a disclosure has been made to students that non-athletic auxiliary revenue, that may have come from student fees or payments, will be transferred to athletics.

This regulation has been shared with the universities.

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**Supporting Documentation Included:**

Regulation 9.013

**Facilitators/Presenters:**

Tim Jones