



FLORIDA STATE UNIVERSITY

BOARD OF TRUSTEES

Finance and Business Committee



FLORIDA STATE UNIVERSITY

BOARD OF TRUSTEES

Finance and Business Committee

MEETING AGENDA

Thursday, June 20, 2024

9:00 – 10:00 a.m.

Zoom Meeting

Please note that this schedule may change upon adjournment of previous meetings, and at the Chair's privilege. The agenda will be followed in subsequent order and items may be heard earlier than the scheduled time.

I. Call to Order and Welcome

Trustee Jorge Gonzalez

II. Approval of Minutes

January 31, 2024, Meeting Minutes

III. Action Items for Consideration of Recommendation to the Board of Trustees

Mr. Kyle Clark, Senior Vice President for Finance & Administration

a. Action Item I: Request for Approval: FY25 Operating Budget

1. Approve the University's fiscal year 2024-2025 operating budget of \$2,839,938,437 which includes \$519,758,280 for the Annual Capital Outlay Budget.
2. Approve the University's fiscal year 2024-2025 Florida Medical Practice Plan operating budget of \$13,528,471.
3. Approve the University's fiscal year 2024-2025 Direct Support Organizations operating budgets totaling \$148,926,156.
4. Grant approval for the President to make subsequent changes to the budgets outlined in motions 1, 2, and 3, as needed during the fiscal year, within available resources and fund balances, and consistent with applicable laws and regulations.
5. Continue the existing Tuition and Fee Regulation, FSU-2.024 and any other applicable regulations or policies, at current rates for fiscal year 2024-2025.

b. Action Item II: Request for Approval: FY 2025-2026 Capital Improvement Plan

c. Action Item III: Request for Approval: Campus Master Plan Amendment

d. Action Item IV: Request for Approval: Student Overnight Parking Permit

e. Action Item V: Request for Approval: Regulation Amendment to FSU 2.009, Parking and Traffic

f. Action Item VI: Request for Approval: Regulation Amendment to FSU 2.007, Use of Campus Land and Facilities

- g. **Action Item VII**: Request for Approval: Emergency Regulation-FSU ER24-1 Purchasing and Procurement

IV. Informational Items and Updates

Mr. Kyle Clark, Senior Vice President for Finance & Administration

V. Open Forum for Board of Trustees

Trustee Jorge Gonzalez

VI. Adjournment

Trustee Jorge Gonzalez



FLORIDA STATE UNIVERSITY
BOARD OF TRUSTEES
Finance and Business Committee

MEETING MINUTES

January 31, 2024



FLORIDA STATE UNIVERSITY

BOARD OF TRUSTEES

Finance and Business Committee

MEETING MINUTES

Wednesday, January 31, 2024

Time 3:30-4:15 PM

Augustus B. Turnbull Conference Center, Room 208

555 W Pensacola St, Tallahassee, FL 32306

In person attendees: Trustee Jim Henderson (committee chair), BOT Chair Peter Collins (committee ex-officio voting member), BOT Vice-Chair Bob Sasser, Trustee Kathryn Ballard, Trustee Vivian de las Cuevas-Diaz, Trustee Jack Hitchcock, Trustee Bridgett Birmingham, Trustee Justin Roth, Trustee Deborah Sargeant, President McCullough and other university staff

Committee Staff: Kyle Clark, Senior Vice President for Finance & Administration

Attended via Zoom: Trustee Max Alvarez (committee), Trustee John Thiel

Committee Members Absent: Trustee Jorge Gonzalez (committee), Trustee Drew Weatherford (committee)

I. Call to Order and Welcome

Trustee Jim Henderson, Chair, called meeting to order at 3:23 pm.

II. Approval of Minutes

Trustee Alvarez moved to approve the November 10, 2023, meeting minutes. The motion was seconded by Chair Collins; minutes were approved unanimously by all committee members present.

III. Request for Approval: 2024-2025 Budget Projections for Auxiliaries with Outstanding Revenue Bonds

Senior Vice President Clark introduced Associate Vice President Michael Williams. Michael explained the budget projections for the University Auxiliary Facilities with Outstanding Revenue Bonds which must be approved before going before the Board of Governors February 23rd. Michael broke down and explained the income activities and reserve fund activities of the Housing and Parking System. The actual estimates and projected statements were defined.

The 2024-2025 Budget Projections and Reserve Fund activity of the House and Parking Systems were asked to be approved, along with the ability for the President, or designee, to make necessary changes if needed.

There was a motion by Chair Collins to approve the 2024-2025 Budget Projections for Auxiliaries with Outstanding Revenue Bonds. The motion was seconded by Trustee Alvarez, and it was approved unanimously by all committee members present.

IV. Finance & Administration Updates and Information Items

a. Fiscal Year 2023 Financial Statement

Senior Vice President Clark introduced Controller Judd Enfinger. Judd shared graphs and charts showing the breakdown of the fiscal year statements. Judd explained the increase of revenue and the reasons for the increase. Changes in the Net Position were clarified, giving financial highlights of each operating and non-operating revenue and expenses. Financial Highlights of the capital assets were shared and discussed, breaking down the assets, liabilities, and net positions.

Senior Vice President Clark continued by giving explanations of the money allocation and how the process works once funds are received from the Legislature. Senior Vice President Clark also announced the recent audit was complete with no findings and expressed appreciation to his staff.

b. Finance & Administration Updates

Senior Vice President Clark gave an overview of current updates for the Finance & Administration division. Updates of the Controller's Office, Human Resources, Facilities and Budget Office were given.

Facilities' Capital Project updates were discussed. Photos and key information were shared of the Interdisciplinary Research & Commercialization Building, Legacy Hall, Deferred Maintenance projects, FSU TMH Academic Health Center, and the Center for Energy Independence.

V. Open Forum for Trustees

VI. Adjournment

The meeting was adjourned at 4:01pm



FLORIDA STATE UNIVERSITY
BOARD OF TRUSTEES
Finance and Business Committee

ACTION ITEM I



FLORIDA STATE UNIVERSITY

BOARD OF TRUSTEES

Finance and Business Committee

ACTION ITEM I

June 20, 2024

SUBJECT: 2024-2025 Operating Budget

PROPOSED COMMITTEE ACTION

1. Approve the University's fiscal year 2024-2025 operating budget of \$2,839,938,437 which includes \$519,758,280 for the Annual Capital Outlay Budget.
2. Approve the University's fiscal year 2024-2025 Florida Medical Practice Plan operating budget of \$13,528,471.
3. Approve the University's fiscal year 2024-2025 Direct Support Organizations operating budgets totaling \$148,926,156.
4. Grant approval for the President to make subsequent changes to the budgets outlined in motions 1, 2, and 3, as needed during the fiscal year, within available resources and fund balances, and consistent with applicable laws and regulations.
5. Continue the existing Tuition and Fee Regulation at current rates for fiscal year 2024-2025 and approve an amendment of the current regulation to that effect.

AUTHORITY FOR BOARD OF TRUSTEES ACTION

Required by Florida Statute 1011.40 *Budgets for universities* and Board of Governors Regulation 9.007 *State University Operating Budgets and Requests*.

BACKGROUND INFORMATION

Per the statute and regulation referenced above, each University Board of Trustees shall adopt an operating budget for the operation of the university as prescribed by law and the regulations of the Board of Governors. The statute also requires that the proposed expenditures, transfers, and balances do not exceed the estimated income, transfers, and balances.

ADDITIONAL COMMITTEE CONSIDERATIONS

The operating budget will be submitted to the Board of Governors using their required templates and formats in August 2024 for consideration at their September 2024 meeting.

Supporting Documentation Included:

Submitted by: Kyle Clark, Senior Vice President for Finance & Administration



FLORIDA STATE UNIVERSITY
BOARD OF TRUSTEES
Finance and Business Committee

ACTION ITEM II



FLORIDA STATE UNIVERSITY

BOARD OF TRUSTEES

Finance and Business Committee

ACTION ITEM II

Thursday, June 20, 2024

SUBJECT: FY 2025-2026 Capital Improvement Plan

PROPOSED COMMITTEE ACTION

Request for Approval

AUTHORITY FOR BOARD OF TRUSTEES ACTION

Sections 1011.40(1), 1013.60 and 1001.706(12), Florida Statutes (F.S.), require each university to submit a legislative budget request for Fixed Capital Outlay (FCO) in the form of a Capital Improvement Plan (CIP), with established guidelines. The CIP is intended to represent the additional academic and academic support facilities needed for a five-year period.

BACKGROUND INFORMATION

The attached CIP documents identify the recommended list of PECO, CITF, and Back of Bill eligible projects. Included on the list are projects that received legislative appropriation in 2024 but have not yet receive the governor's signature. Universities may include any survey-recommended PECO project; however, pursuant to F.S. 1001.706(12), the BOG will only consider/score those that are 1) incomplete (partially funded) projects and 2) the top two priorities for each university.

Each new capital project funded in whole or in part with Legislative appropriations must also have a plan for establishment of a reserve for future maintenance. Reserve requirements differ depending on the type of project (new construction, renovation, or remodeling) and its funding source.

ADDITIONAL COMMITTEE CONSIDERATIONS

The updated CIP will be submitted to the Board of Governors on July 1, 2024. It is recommended that the FSU Board of Trustees authorize the President to make any changes, where required, to the University's Fixed Capital Outlay Budget Request before it is submitted to the Board of Governors on July 1, and any changes, where required, when the Board of Governors allows amendments. The updated information will then be brought back to the Trustees for their final review and approval.

Supporting Documentation Included: CIP-2 and CIP-3 Documents.

Submitted by: Kyle Clark, Senior Vice President for Finance & Administration

State University System
5-Year Capital Improvement Plan (CIP)
FY 2025-26 through 2029-30

Summary of Projects
(PECO-Eligible Project Requests)

University Florida State University

Contact: Mr. Kyle Clark
(name)

(850) 644-4444
(phone)

kyle.clark@fsu.edu
(email)

Priority No.	Project Title	Total Supplemental (Non PECO) funding	Total Prior PECO Funding	Projected Annual PECO Funding Requested					Programs to Benefit from Project	Net Assignable Sq. Ft. (NASF)	Gross Sq. Ft. (GSF)	Total Project Cost	Project Cost Per GSF	EPS Recommendation Date & Rec. # ⁽¹⁾
				FY25-26	FY26-27	FY27-28	FY28-29	FY29-30						
1	Academic Support Bldg. (Maintenance Cmplx.)		\$40,000,000	\$ 27,000,000	\$ 7,880,000									2023 Rec. 3.1; 5.4; 5.5; 5.6; 5.7; 5.2; State Appropriation (HF 2714) (SF
2	FAMU-FSU Col of Engineering Building C		\$25,000,000	\$ 51,000,000	\$51,000,000	\$22,500,000								
3	Veterans Legacy Complex		\$17,500,000	\$ 23,650,000	\$ 6,250,000									2023 Rec. 4.1 State Appropriation (SF 2850) (HF
4	Arts District		\$ 1,467,202	\$ 50,000,000	\$48,500,000	\$47,032,798								
5	Panama City Health - Academic Research Center		\$ 4,000,000	\$ 18,000,000	\$41,000,000	\$37,000,000								2023 Rec. 1.8 & 2.6; State Appropriation (HF 2525) (SF
6	Kellogg Research Bldg. Remodeling/Renov	\$ 11,100,000	\$ 2,300,000	\$ 10,000,000	\$11,250,000									
7	College of Nursing (Planning)		\$ 2,000,000	\$ 41,500,000	\$ 6,500,000									2023 Rec. 1.6
8	Library System Improvements (Dirac Phase 1)					\$ 6,000,000	\$20,000,000	\$11,000,000						
9	Utilities/Infrastructure/Capital Renewal/ Roofs/Renovation			\$ 25,000,000	\$15,000,000	\$25,000,000	\$15,000,000	\$15,000,000						2023 Rec. SR-2, SR-3, & SR-4
10	Land Acquisition			\$ 6,500,000		\$ 6,500,000		\$ 6,500,000						
11	Housewright Music Building Renovation with Library Exp.				\$ 3,425,000	\$38,575,000	\$ 4,000,000							2023 Rec. 2.5 and 3.2
12	Carothers Hall - Remodeling and Renovation					\$ 3,000,000	\$35,500,000	\$ 5,500,000						
13	Winchester Building Remodeling					\$ 1,600,000	\$13,230,000	\$ 2,000,000						2023 Rec. 1.7

1) Pursuant to s. 1001.706(12)c., F.S., new projects that have not already been partially appropriated funding must be Recommended in the latest Educational Plant Survey (EPS) in order to be included in the final prioritized list of projects (for the FCO LBR). If a project was partially appropriated funding without an EPS Recommendation, please cite the General Appropriations Act year and (\$) amount(s) appropriated, for reference.



FLORIDA STATE UNIVERSITY
BOARD OF TRUSTEES
Finance and Business Committee

ACTION ITEM III



FLORIDA STATE UNIVERSITY

BOARD OF TRUSTEES

Finance and Business Committee

ACTION ITEM III

Thursday, June 20, 2024

SUBJECT: Campus Master Plan Amendment #3

PROPOSED COMMITTEE ACTION

Request for Approval

AUTHORITY FOR BOARD OF TRUSTEES ACTION

In 1993, the Florida Legislature passed legislation that recognizes the unique relationship between university campuses and local governments. Chapter 1013.30, F.S., describes the processes by which universities are required to develop, maintain, and update campus master plans and associated campus development agreements with local governments,

BACKGROUND INFORMATION

In September 2021, the Board of Trustees (BOT) adopted the University's current Campus Master Plan (CMP), which covers the years 2020 to 2030 (near-term and mid-term). Since then, projects that were moved to 2030 and beyond (far-term) have been reevaluated and need to be moved into the current CMP 2020-2030 and legislative appropriations have been received in 2023 and additional appropriations are expected to be received in 2024.

The first-project is the construction of an Arts District which received an appropriation for study and planning in 2023. Tapping into the destination location for the arts it will provide a cornerstone anchor to provide high quality space to keep up with current teaching and student needs. It involves new construction of the College of Music Annex and demolition, rebuilding, and expanding the Fine Arts Annex; renovation of the Fine Arts Building is also included. Location will be in the Northeast portion of the Tallahassee Campus Main Site.

The second project is a new College of Nursing Building which received an appropriation for study and planning in 2024. It will house a Simulation Center and large classrooms and will be located adjacent to the Duxbury Building in the central portion of the Tallahassee Campus Main Site.

The third grouping of projects is located in the northwest portion of the Tallahassee Campus Main Site. Residence Halls already located in the 6-10 Mid Term plan will be moved to the 1-5 Near Term plan. In addition Parking Garage #7 and Satellite Utility Plant #3 is being moved from the 11+ year plan (Appendix) into the 1-5 Near Term Plan to support necessary needed services in this area.

The fourth grouping of projects is the Renovation of Rovetta A and B, located in the north center of the Tallahassee Campus Main Site. As the College of Business vacates these two buildings the time will be right to renovate for another group. Rovetta A & B were in the 11+ Far Term Plan (Appendix) and now moving to the 1-5 Near Term Plan.

Additionally, there is a name clarification. Project NC4 located in close proximity to the Tucker Convention Center will now be known as the “Academic Hotel Convention Center”.

Regarding the Tallahassee Campus Southwest Site, a project is being added to the 1-5 Near Term Plan, as The Energy Research Facility received an appropriation in 2024.

There are no significant changes proposed for the Panama City Campus at this time.

ADDITIONAL COMMITTEE CONSIDERATIONS

By statutory definition, these modifications constitute a minor amendment to the Campus Master Plan. Accordingly, it is not expected that the adoption of this amendment will create the need to substantially revise the existing Campus Development Agreement between the University and the City of Tallahassee, approved and executed in December of 2022.

Supporting Documentation Included:

Revised graphic maps for:

The Tallahassee Campus Master Plan NearTerm (Years 1-5)





Tallahassee Campus Southwest Master Plan Near-Term (Years 1-5)

Submitted by: Kyle Clark, Senior Vice President for Finance & Administration

FIGURE SWC.MP.3

TALLAHASSEE CAMPUS SOUTHWEST MASTER PLAN NEAR-TERM (YEARS 1-5)

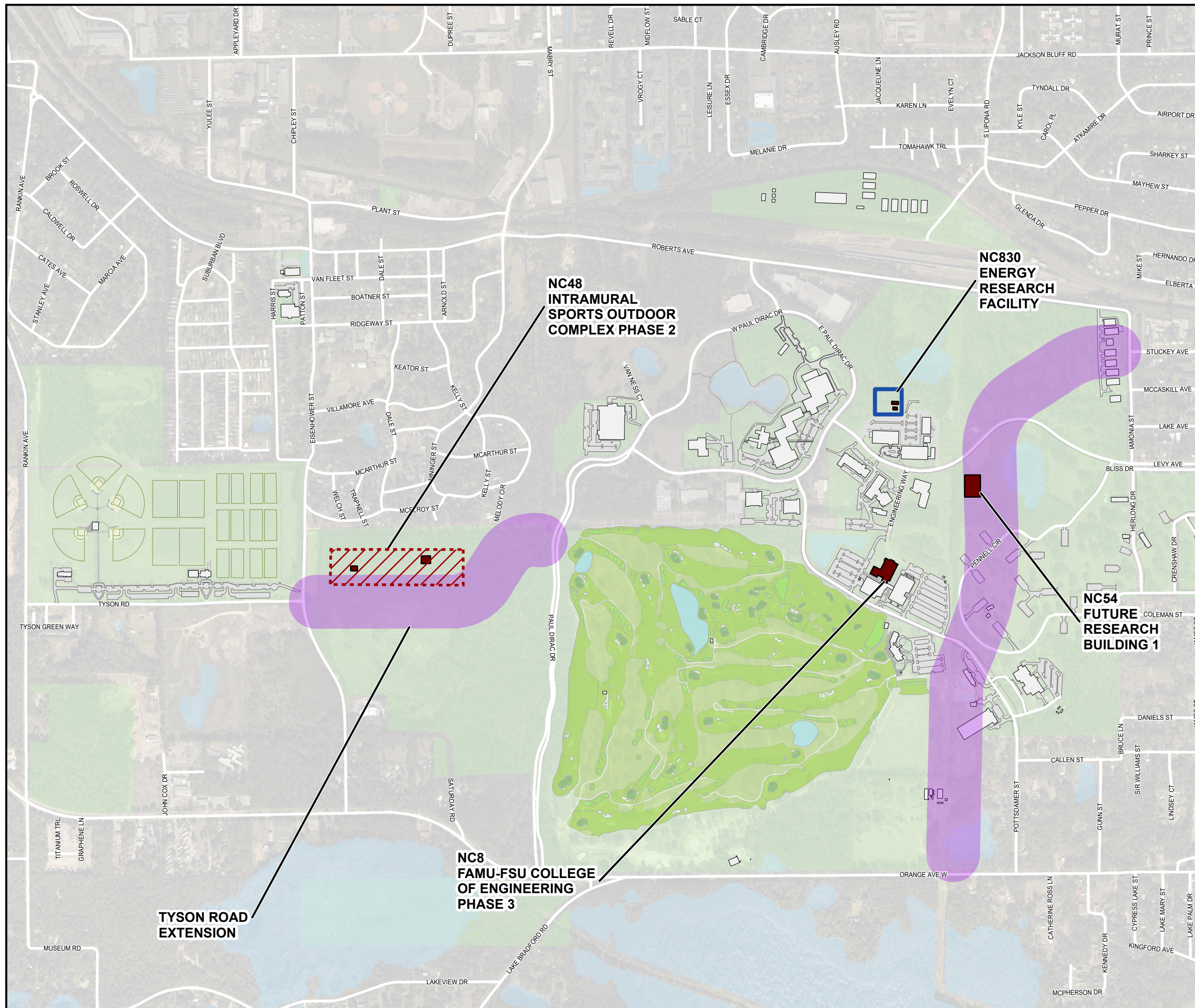
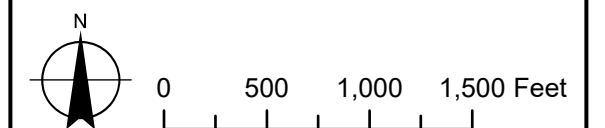
LEGEND:

-  PROPOSED RENOVATION/REMODEL
-  PROPOSED NEW CONSTRUCTION
-  ADDED WITH THIS REVISION
-  AREA OF PROPOSED ROADWAY

SOURCE:
FSU FACILITIES PLANNING
TLGGIS

FLORIDA STATE UNIVERSITY
TALLAHASSEE CAMPUS
SOUTHWEST

24 SEPTEMBER 2021
revised JUNE 2024





FLORIDA STATE UNIVERSITY
BOARD OF TRUSTEES
Finance and Business Committee

ACTION ITEM IV



FLORIDA STATE UNIVERSITY

BOARD OF TRUSTEES

Finance and Business Committee

ACTION ITEM IV

Thursday, June 20, 2024

SUBJECT: Student Overnight Parking Permit

PROPOSED COMMITTEE ACTION

Seeking approval to implement optional parking permit that would be sold to FSU students wishing to park overnight (12a-5:45a M-F)

AUTHORITY FOR BOARD OF TRUSTEES ACTION

State statute 1009.24 authorizes the BOT to establish traffic & parking fines, charges for parking decals and transportation access fees.

BACKGROUND INFORMATION

We experience approximately 5,200 cars 'stored' overnight each weekday (4,200 FSU resident students, 1,000 off-campus students), currently at no cost to the students. This number will surely rise soon due to the proliferation of off-campus housing being built on FSU's doorstep, most without adequate parking for their tenants. This situation has a negative impact on faculty, staff and students as nearly one-third of campus parking spaces are occupied 24/7 making available parking space scarce. The implementation of a fee-based permit will lower demand for overnight parking thereby freeing up space for our commuting populations and generate much-needed parking revenue which would be used to improve parking and transportation programs and facilities.

ADDITIONAL COMMITTEE CONSIDERATIONS

BOG approval is not required for this item.

Supporting Documentation Included: Regulation 2.009 amended language necessary to enact this change and brief slide deck.

Submitted by: Kyle Clark, Senior Vice President for Finance & Administration



Overnight Parking – Current State

- 5,200 (est.) vehicles parking overnight each weekday during fall and spring semesters – 4,200 FSU resident students, 1,000 off-campus students
- 4,268 designated 24/7 overnight parking spaces.
- Overflow student overnight parkers can use faculty/staff Red spaces but must relocate by 7:30a weekdays to avoid citations.
- 24/7 overnight parking fills routinely which hampers daytime parking availability.



Proposed Student Overnight Parking Program

- Optional alternative to the free student parking permit
- Proposed rate of \$300 annually
- Permit would be required for all students wishing to park overnight (12a-5:45a M-F)
- Currently, no permit is necessary to park overnight



Desired Results

- Reduce the number of vehicles being 'stored' on-campus which negatively impacts our commuting populations (faculty, staff and students) – Goal of 25% reduction in overnight parking.
- Generate needed revenue for TAPS to help improve parking and transportation programs and facilities - \$1M in new revenue estimated.
- Introduce pricing/cost as a transportation demand management (TDM) tool – aligns with the 2020-2030 Master Plan Update Transportation Element

FSU-2.009 Parking and Traffic Regulations.

(1) General Information.

(a) Applicability of Traffic Regulation. This regulation shall be applicable to all vehicles operated or parked on the Florida State University (FSU) campus at any time, including examination periods, semester breaks, and registration periods. The fines, penalties and other sanctions provided herein may be imposed against any person who shall cause, allow, permit or suffer any vehicle registered in any state or at the Office of Transportation and Parking Services in the name of, or operated by such person to be parked or operated in violation of any provision of this Regulation. It is the policy of FSU to enforce the provisions of this Regulation and seek to impose the fines, penalties or other sanctions provided herein:

1. In the case of a vehicle registered with the Office of Transportation and Parking Services, against the person in whose name such vehicle is so registered.
2. In the case of a vehicle not so registered, if it is determined that the operator at the time of the violation is affiliated with FSU and, in fact, should have registered the vehicle with the Office of Transportation and Parking Services, against the person affiliated with FSU.
3. In the case of a vehicle not so registered and whose operator at the time of the violation cannot be identified, against the title holder of said vehicle.

(b) Applicability of Florida Statutes and Ordinances of the City of Tallahassee. All ordinances of the City of Tallahassee relating to traffic which are not in conflict or inconsistent with this Regulation shall extend and be applicable to the grounds of the University. A copy of said ordinances shall be available for inspection at the Office of Transportation and Parking Services. In addition, the provisions of Chapter 316, Florida Statutes, shall extend and be applicable to the grounds of the University.

(c) Responsibility for Implementation. Unless otherwise noted, the Director of Transportation and Parking Services shall be responsible for the supervision and implementation of this Regulation. All requests for individual consideration with regard to the parking and traffic regulations contained in this Regulation must be directed to that person at the Office of Transportation and Parking Services.

(d) Definitions. The following words and phrases, when used in this Regulation, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

1. Access Lane. Any area that is not designated as a parking space, and that provides an avenue for traffic flow and emergency vehicles.
2. Automobile. Any motor vehicle having three (3) or more wheels.
3. Back-in Parking. Parking a vehicle so that the front-end of the vehicle is pointing toward the drive aisle. It does not matter if the vehicle actually backed into the parking space or drove through an adjacent space.
4. Commuter Lot. Designated lots/facilities that prohibit the parking of vehicles between the hours of midnight and 5:45 AM, except on Friday and Saturday evenings or as posted on the entrance of the lot.
5. Commuter Student. Any person not classified as faculty, administrative and professional personnel or University support personnel system staff that is enrolled and carrying 1 or more credit hours of undergraduate or graduate work at FSU that does not pay for on-campus housing and does not reside in an on-campus FSU residential hall.
6. Designated Parking Space. Areas governed by FSU parking Regulations with parking spaces delineated by red, white, yellow, green or blue striping, and ~~meter~~ hourly parking sign , or other physical barriers to include, but not be limited to railroad ties and bumper blocks intended to delineate parking parameters.

7. Director of Transportation and Parking Services. An FSU employee who has been assigned the specific duties of supervising and managing the Office of Transportation and Parking Services.

8. Employee. Any employee of FSU including (but not limited to) executive staff, faculty, administrative and professional personnel, University support personnel system staff, and OPS staff.

9. Employees of Recognized FSU Organizations or Contracted Services. Personnel who work on campus, but who are not University employees (including, but not limited to: bookstore employees, beauticians, barbers, food service personnel, credit union employees, golf course employees, postal/shipping employees, staff of religious houses, event personnel, and employees of the Greek houses).

10. Financial Aid Disbursement. The period of time defined each semester by the Controller's Office for the disbursement of financial aid funds.

11. Fire Lanes. Those areas of campus that must be kept clear of all obstructions so as not to interfere with the movement of fire-fighting equipment and which are marked as fire lanes by signs and red painted curbing or fluorescent red and white painted areas, or both.

12. Loading Dock. Areas specifically designated for the sole purpose of loading or unloading materials or equipment at the delivery entrance or designated location to a building. Properly identified service vehicles, commercial vehicles, or vehicles properly displaying loading dock permits issued by the Office of Transportation and Parking Services are authorized to use loading docks. Loading docks are delineated by signs and/or pavement markings. Vehicles parked without proper authorization will be issued a citation and/or towed at owner's expense.

13. Loading Zones. Areas specifically designated for the sole purpose of loading or unloading materials or equipment. Properly identified service vehicles, commercial vehicles, vehicles registered for valid FSU virtual permits, or vehicles properly displaying a valid loading zone parking credential issued by the Office of Transportation and Parking Services are authorized to use loading zones. Loading zones are delineated by signs and/or pavement markings. Use of these areas is limited to 20 minutes. Vehicles exceeding the 20-minute maximum period may be issued a parking citation. Additional citations may be issued every hour after the original citation and/or vehicles may be towed at owner's expense.

14. Motorcycle, Moped, or Motor Scooter. Any motor vehicle having less than three (3) wheels.

15. Overnight Lot. Designated lots/facilities that allow parking twenty-four (24) hours a day.

16. Parking. The standing of a vehicle, whether occupied or not and whether the engine is running or not., as may be permitted by law under the State Uniform Traffic Control Law, Chapter 316, Florida Statutes, or this Regulation pursuant to Section 1006.66.

17. Parking Credential. A virtual parking permit, parking placard, parking hang-tag, or other designated pass/permit that authorizes parking in one or more campus parking lots/facilities.

18. Parking Hang-Tag. A parking hang-tag is a physical parking permit that is hung from an automobile's rearview mirror. A parking hang-tag authorizes parking in the lots, facilities, and/or spaces as shown on the hang-tag. The parking hang-tag does not authorize parking in any lots, facilities, or spaces not noted on the hang-tag.

19. Parking Placard. A parking placard is a physical parking permit that is placed on an automobile's dashboard. A parking placard authorizes parking in the lots, facilities, and/or spaces as shown on the placard. The parking placard does not authorize parking in any lots, facilities, or spaces not noted on the placard.

20. Permit Registration Year. The period from August 15 of one year to August 15 of the succeeding year

21. Persons Affiliated with FSU. Employees or students of FSU or employees of recognized FSU on-campus organizations or contracted services.

22. Reserved Space. A parking space that is reserved for a specific user, user group, event/function, or vehicle. The space will be marked with signage, pavement markings, and/or temporary barricades. Any parking space on campus may be reserved for events or other University functions.

23. Resident Student. Any person not classified as faculty, administrative and professional personnel or University support personnel system staff that is enrolled and carrying 1 or more credit hours of undergraduate or graduate work at FSU that also pays for on-campus housing and resides in an on-campus FSU residential hall.

24. Restricted Hours. Between 7:30 AM and 10:00 PM, Monday through Friday on all class days, examination periods, semester breaks, and registration periods.

25. Service Vehicle Area. Areas reserved for properly identified service or emergency vehicles performing maintenance or repair of University owned or leased equipment or facilities, commercial vehicles, or vehicles bearing proper authorization from the Office of Transportation and Parking Services. Non-Service State vehicles are prohibited from parking in service vehicle spaces. Service vehicle areas are reserved during restricted hours and are delineated by signs and/or pavement marking. Vehicles without proper authorization will be issued a citation and/or towed at owner's expense for parking in a reserved space without authorization (fine code – 01 if the space is not reserved for a specific vehicle or fine code – 06 if the space is reserved).

26. Short Term Parking. Those spaces designated by signage with a two-hour maximum stay. An appropriate parking placard or hang-tag must be obtained from the Office of Transportation and Parking Services and appropriately displayed on the vehicle.

27. Transportation Violations Appeals Board. The University traffic authority established pursuant to Section 1006.66, Florida Statutes, to review disputes regarding citations and to render decisions regarding the appropriate penalty to be imposed, including the restriction, removal, or restoration of driving or parking privileges on campus. The Transportation Violations Appeals Board will consist of 2 or more divisions of equal authority. Each shall be composed of 4 members appointed for a period of 1 year. There shall also be appointed a pool of alternate members who shall be eligible to serve when called upon by the Board Coordinator, when a regular member is unavailable. All appointments shall be made by the Vice President for Finance and Administration. The positions on each division of the Board shall be occupied by faculty, staff (A&P or USPS) and student members. The Chairperson shall be elected annually from among the members of the Board and shall have full voting rights. This Board shall function on a year-round basis. A quorum shall consist of at least 2 members of the Board. When a quorum is not available, and the appellant has arrived on time for their scheduled hearing, the citation(s) will be dismissed.

28. Vehicle. Any automobile, motorcycle, moped or motor scooter as defined. Motorized scooters and micromobility devices governed by s. 316.2128, F.S., have certain rights of bicycles and are governed by that law, University regulation and policy including those governing bicycles, city ordinance and the provisions of any vendor contract.

29. Virtual Permit. Vehicle registration which allows the registered vehicle to be parked on the grounds of the University, as set out in this Regulation. A virtual permit is not a physical

permit. Instead, the registered vehicle's license plate is used to determine whether or not the vehicle is properly registered with the Office of Transportation and Parking Services. Up to five automobiles may be registered to a single virtual permit. However, a vehicle may not be registered to more than one virtual permit at a time. Automobile virtual permits are only issued to vehicles with three (3) or more wheels and motorcycle virtual permits are only issued to vehicles with fewer than three (3) wheels.

30. Visitors. Persons who are not employees or students of FSU and who do not work on campus for other organizations.

31. Working Day. Any day that the University is officially open. This does not include official holidays or winter break.

(2) Virtual Permits, Parking Placards, and Parking Hang-Tags.

(a) All vehicles parked on the campus by persons affiliated with FSU must be registered for a valid virtual permit or display the appropriate placard or hang-tag as instructed. The following, however, are excepted:

1. Board of Trustees. Vehicles bearing a valid "Board of Trustees" parking placard may be parked in any designated, unreserved parking space on campus.

2. "State" Tag Vehicles. Vehicles owned by or assigned to an FSU department or organization and bearing a duly issued "State" license tag must be registered for a valid virtual permit, but are not required to pay hourly parking fees. Such vehicles may be parked in any designated, unreserved parking space, short-term space (2-hour maximum) or loading zone (20-minute maximum) on campus. Vehicles bearing a duly issued "State" license tag but are not owned or assigned to an FSU department or organization must either purchase a virtual permit, purchase a visitor parking placard or hang-tag, park in an hourly parking space and pay the appropriate fee, or park in a designated visitor parking lot/facility and pay the appropriate fee.

3. News Media Vehicles. Press representatives, reporters, correspondents, and other representatives of the news media not otherwise affiliated with FSU, who are on campus on official news or press business, may park in any designated, unreserved space, short-term space (2-hour maximum) and loading zone (20-minute maximum). A virtual permit is not required if a valid press identification is prominently displayed on the vehicle(s). Students, faculty and staff are not eligible for this exemption.

4. Commercial Representatives in Commercial Vehicles. Marked delivery trucks, telephone and power service vehicles, limousine service automobiles, taxis, and buses making brief stops (less than 10 minutes) at 1 or more points on campus are not required to register for a virtual permit or display a parking placard or hang-tag. Vehicles used by persons required to perform service or regular maintenance on University-owned or leased equipment or facilities must have a valid FSU parking hang-tag displayed. These vehicles may be parked in any designated, unreserved parking space. Hourly parking and visitor lot/facility fees must be paid.

5. Contractors. Contractors and contractor personnel engaged in FSU construction projects may park within the fenced enclosure of the construction site. Other parking must be off campus or other on-campus locations specifically designated by the Office of Transportation and Parking Services. Construction placards or hang-tags must be displayed in the windshield of each parked vehicle, whether or not the vehicle is parked in a parking lot/facility or within a fenced enclosure.

6. Vehicles Transporting Disabled Individuals; Disabled Veterans.

a. In accordance with Florida Statutes, a vehicle bearing a disabled parking permit issued pursuant to Sections 320.0848, 320.0842, 320.0843, and 320.0845, Florida Statutes, or a disabled license plate issued pursuant to Section 320.084 or Section 320.0848, Florida Statutes

(disabled veterans and veterans confined to wheelchairs), may park in designated accessible

b. spaces if such vehicle is transporting a person eligible for such parking permit or license plate. Any person who is chauffeuring a disabled person shall be allowed momentary parking in any such parking space for the purpose of loading or unloading a disabled person. No penalty shall be imposed upon the driver for such momentary parking. Such vehicles shall not, however, be parked in a reserved space, bus loading zone, fire zone, disabled space access aisle, service vehicle space, non-designated parking area or any other area posted as a "No Parking" zone. All employee and student affiliates are required to purchase the appropriate virtual permit in order to park on campus. Vehicles appropriately registered for a valid virtual permit and displaying a disabled permit issued by the state may park in hourly, loading zone, short-term, and other unreserved permit designated spaces as long as time restrictions are observed. Visitors displaying a disabled permit issued by the state may park in designated accessible spaces, hourly parking space (at no charge), and/or visitor parking lots/facilities (provided the regular rate/fee is paid).

c. Any person who fraudulently obtains or unlawfully displays a disabled parking permit that belongs to another person while occupying a disabled parking space or an access aisle as defined in s.553.5041 while the owner of the permit is not being transported in the vehicle or who uses an unauthorized replica of such a disabled parking permit with the intent to deceive is guilty of a misdemeanor of the second degree, punishable as provided in s.775.082 or s. 775.083.

d. Transportation and Parking services will immobilize any vehicle displaying a fraudulent disabled permit and contact the FSU Police Department.

7. Visitors may park in hourly parking spaces or in any designated visitor parking lot/facility

provided appropriate fees are paid and time limits are not exceeded. All vehicles must be parked with the flow of traffic.

(b) The virtual permit year begins on August 15 and ends the following August 15. All permits, placards, and hang-tags will expire on August 15 each year.

(c) Permit Information: All persons affiliated with FSU that park on University property are required to register for a virtual permit and pay all related charges/fees.

(d) The Office of Transportation and Parking Services reserves the right to deny, restrict or revoke parking privileges to any individual who is in violation of the provisions of this Regulation. The fraudulent acquisition of a permit by giving incorrect information, falsified proof of status, or by any other means shall result in the issuance of violation(s), false registration -- fine code 05, to the individual(s) involved.

(e) Replacement Gate Access Cards and Virtual Permit Refunds. A replacement gate access card, if applicable, will be issued when a gate card is no longer serviceable. The original gate card must be returned to the Office of Transportation and Parking Services to qualify the holder for a replacement gate card due to defect. No refunds will be issued for returned temporary permits, gate cards or remote gate openers.

(f) Virtual Permit Classifications.

1. Faculty, Administrative and Professional personnel, and University Support Personnel System staff are eligible to register for "RP" virtual permits. Faculty, Administrative and Professional personnel, University Support Personnel System staff, Non-Student OPS employees of recognized FSU affiliated organizations or contracted services are eligible to register for "R" virtual permits. Both the "RP" and "R" virtual permits authorize parking only in designated "R" parking areas (as identified by red stall lines and/or entrance signage) or in areas specified for shared parking (as identified by alternating red and white stall lines and/or

entrance signage. In order to be appropriately registered for an “RP” or “R” virtual permit, the employee must provide the make, model, color, year, and license plate of each vehicle registered to the virtual permit (up to five vehicles per permit) and pay all required fees.

2. Visitors are eligible to purchase a "V" parking hang-tag, authorizing parking only in designated "W" and non-gated “R” parking areas. Faculty, staff and student affiliates, as well as employees of FSU affiliated organizations or contracted services, are not eligible to purchase a "V" hang-tag.

3. Students and Non-Student OPS employees are eligible to register for “VW” virtual permits. Vehicles that are registered to a "VW" virtual permit are authorized to park in designated "W" parking areas (identified by white stall lines and/or entrance signage) between the hours of 5:45 AM and 12:00 a.m. on all class days in areas designated for commuter parking and 24-hours per day in areas designated for overnight parking. “VW” virtual permits can also park in areas specified for shared parking (as identified by alternating red and white stall lines and/or entrance signage).

4. Students are also eligible to register for a “VRES” virtual permit which allows 24/7 access to a designated reserved lot or area. To acquire this optional permit, students must provide the make, model, color, year, and license plate of each vehicle registered to the virtual permit and pay all required fees (\$325 – Academic Year or \$415 – Annual).

4.5. Students are also eligible to register for an “Overnight” virtual permit (ON) which allows parking in all areas designated for overnight parking between the hours of 12am and 5:45am Monday through Friday. This permit will also carry “VW” parking privileges at all other times. To acquire this optional permit, students must provide the make, model, color, year and license plate of each vehicle registered to the virtual permit and pay all required fees (\$300 – Annual)

~~5-6.~~ Persons with FSU retired status who are no longer receiving any form of financial compensation for active employment may purchase an Emeritus or "E" virtual permit. The "E" virtual permit authorizes parking in any designated non-reserved faculty/staff parking area.

~~6-7.~~ Individuals operating motorcycles, mopeds or motor scooters may purchase a "VMC" virtual permit authorizing parking in motorcycle parking spaces only.

Commercial vendors and sales and service representatives are eligible to purchase commercial ("C") hang-tags. Vehicles bearing "C" hang-tags may park in any designated, ~~non-gated~~ unreserved parking space on campus. Commercial hang-tag holders may also utilize designated loading areas for 20-minute periods only, short-term parking spaces (2 hour maximum), and unreserved service vehicle spaces, as well as hourly parking spaces and visitor parking lots/facilities (provided appropriate fees are paid).

~~7-8.~~ Loading Zone hang-tags may be purchased on an individual basis to afford access to designated loading zones for loading or unloading of materials or equipment. "LZ" hang-tags are not valid in any other parking spaces on campus.

~~8-9.~~ Service vehicle hang-tags may be purchased by eligible service and technical support representatives. Vehicles bearing a valid "SV" hang-tag are eligible to park in designated unreserved service vehicle spaces with no time restriction and loading zones for a maximum of twenty (20) minutes. "SV" hang-tags are not valid in any other parking spaces on campus.

~~9-10.~~ Departmental hang-tags may be purchased by eligible FSU departments for use by employees to conduct departmental business. Vehicles bearing a valid departmental hang-tag are eligible to park in unreserved "R" parking spaces and loading zones for a maximum of twenty (20) minutes.

~~10-11.~~ Back-in hang-tags may be purchased by individuals with valid FSU virtual permits. Vehicles bearing a valid back-in hang-tag are authorized to park in appropriate campus parking

lots back-in style. Back-in hang-tags are not valid in parking garages or in parking lots with angled parking spaces.

~~11.12.~~ Temporary disabled parking placards or hang-tags will be issued by the Office of Transportation and Parking Services, upon determining eligibility, for a period not to exceed 21 calendar days. To be eligible to apply for a temporary disabled parking permit, the individual must have properly registered and paid for a valid virtual permit. Extension of the eligibility of a temporary permit for more than 21 calendar days will only occur upon receipt of a duly executed Florida Department of Highway Safety and Motor Vehicles Form 83039 S, which is incorporated herein by reference which contain "Disabled Person's Parking Permit a Physician's Statement of Certification", for issuing disabled parking permits at which time a placard or hang-tag will be issued for an additional period not to exceed 35 calendar days. This temporary disabled parking permit is non-renewable.

(g) Virtual permits, parking placards and hang-tags are issued to specific individuals or departments/organizations and are not transferable. The registered owner of the virtual permit, parking placard or parking hang-tag accepts responsibility of all fines when the permit is used by or displayed on any vehicle.

(h) An individual may purchase and maintain only 1 automobile virtual permit and 1 motorcycle virtual permit at a time during each permit year. This excludes any replacement permits issued.

(i) On the day preceding a home football game (including the spring football game) or as designated on lot/facility entrance signage, all vehicles must be removed by 11:59 PM in designated football lots. A map of football parking lots and facilities will be available on the Office of Transportation and Parking Services website.

(3) Parking Fees and Penalties.

(a) "VW" Student Transportation Access Fee. To be assessed each semester to all registered students. At the beginning of each academic year or upon the first registered semester for the academic year a virtual permit can be obtained by each student who has registered for classes. Each student who registers for a virtual permit and pays all related fees/rates shall be granted a "VW" virtual permit for their automobile or a "VMC" virtual permit for their motorcycle, scooter or moped. If a student owns both an automobile and a motorcycle, they shall have the option to purchase both a virtual permit for their automobile and a virtual permit for their motorcycle. It is the responsibility of the student to properly register their vehicle(s) for a virtual permit from the designated point of distribution. All annual permits shall expire on August 15 of each year.

(b) Fees for Transportation Services. The fees assessed for each type of parking credential, with the exception of the Student Transportation Fee and departmental charges, are subject to a sales tax mandated by the State Legislature. All transportation fees shall be posted on appropriate websites. Any fee increase/decrease to the Student Transportation Fee shall be approved by the Board of Trustees. The University President or designee shall have the authority to regulate all other fees associated with Transportation and Parking Services not addressed in this regulation.

(c) Fees for Visitor Parking Spaces/Lots/Facilities, Contractor Parking, and Special Event Parking. Fees for visitor, contractor, and event parking passes, hourly parking, designated visitor parking lots/facilities, and campus special event reservations shall be determined by the Director of Transportation and Parking Services. All visitor, contractor and event parking rates will be posted in the parking payment app, at the entrance of each visitor lot/facility, and on the Transportation and Parking Services website, as appropriate.

(d) Refund of Fees.

1. The Student Transportation Access Fee refund policy will be in accordance with University refund guidelines for local fees.

2. Virtual permits, parking placards, and parking hang-tags purchased on an annual or semester basis will not be refunded/canceled unless student has withdrawn from the University or employee is no longer employed by the University. In these cases, refunds will be made on a pro-rated basis on a monthly scale for unused parking and/or payroll deductions will cease at separation from the University.

3. No refunds will be issued for temporary permits or payroll deducted permits.

(e) Towing and Related Charges. If a vehicle is towed from University property, the standard towing fees will be paid by the owner or user of the vehicle directly to the commercial towing companies providing services authorized at the request of the University.

(4) Operation of Vehicles. Persons who drive vehicles on campus are subject at all times to the motor vehicle laws of the State of Florida, the Regulations of Florida State University and to the ordinances of the City of Tallahassee, where applicable.

(5) Parking of Vehicles.

(a) FSU reserves the right to regulate the use of any or all parking facilities, including the right to deny or revoke vehicle parking privileges to an individual or groups of individuals and to reserve parking facilities for the exclusive use of selected and designated individuals.

(b) The responsibility of locating a legal parking space rests with the operator of the motor vehicle. Lack of space will not be considered a valid excuse or reason for violating any parking regulation.

(c) Wrecker Services. Due to the nature of the University's on and off-street parking control activities the University utilizes local wrecker services on a rotational basis.

(d) Vehicles parked in violation of the provisions of this Regulation, abandoned on campus, deemed as a safety hazard by the FSU Police Department or Environmental Health and Safety, or failing to be registered for a valid virtual permit or display a current and valid parking placard or hang-tag shall be towed away and placed in commercial or University storage. Towing and storage charges, and any appropriate University fines, will be borne by the vehicle owner and must be paid before the vehicle will be released.

(e) All parking and traffic regulations apply 24 hours a day, 7 days a week except as follows:

1. "R" parking areas are reserved for the use of vehicles registered for "R", "RP", and "E" virtual permits, or vehicles displaying placards and hang-tags that provide parking in "R" parking areas, between the hours of 7:30 AM and 4:30 PM on all class days (or as otherwise noted by signage and/or gate equipment), examination periods, semester breaks and registration periods. "V" hang-tags may utilize ungated "R" parking areas only. These areas are delineated by signs and/or red parking lines. After 4:30 PM Monday through Friday, all valid FSU virtual permits, placards, and hang-tags are honored unless otherwise noted by signage.

2. "W" parking areas are reserved for the use of vehicles registered for valid "VW" virtual permits, or vehicles displaying placards and hang-tags that provide parking in "W" parking areas, between the hours of 7:30 AM and 4:30 PM Monday through Friday. These parking areas are delineated by signs and/or white painted parking lines.

3. Shared parking areas are reserved for the use of vehicles registered for valid FSU virtual permits, or vehicles displaying placards and hang-tags that provide parking in shared parking areas, between the hours of 7:30 AM and 4:30 PM Monday through Friday. These parking areas are delineated by signs and/or alternating red and white painted parking lines.

4. Between 4:30 PM and 10:00 PM, Monday through Friday, all parked vehicles must be registered for a valid FSU virtual permit or display a valid parking credential and may park in any marked space in any unreserved parking area without regard to permit designation and may park in hourly parking spaces provided applicable fee has been paid. Reserved and disabled parking regulations are still enforced.

5. Between 10:00 PM Friday and 11:59 PM, Sunday, no virtual permit or valid parking credential is required to park in any marked space in any unreserved parking area. Hourly spaces may be used without charge. Reserved and disabled parking regulations are still enforced.

~~5. Between 10:00 PM and 7:30 AM, Monday through Friday and all day on weekends, no virtual permit or valid parking credential is required to park in any marked space in any unreserved parking area. Hourly spaces may be used without charge. Reserved and disabled parking regulations are still enforced.~~

(f) General disabled spaces are restricted 24 hours a day, 7 days a week to vehicles bearing valid State disabled parking permits as provided in section (2)(a)6 of this Regulation, or temporary disabled parking permit as provided in section (2)(f)11.

(g) General disabled spaces may be designated as time limited. The time limitation will be posted on the sign. Vehicles parked in the time limited disabled space for longer than the maximum time are subject to the issuance of a fine code (01) citation. Accessible spaces in gated lots shall be designated for faculty, staff or student affiliates whose vehicle is properly registered to a valid FSU virtual permit and valid Department of Motor Vehicle Disabled Parking Permit. Vehicles without a valid FSU virtual permit are not authorized to park in the restricted disabled spaces.

(h) Spaces reserved for individuals, University/State vehicles or specific University facilities are restricted 24 hours per day, 7 days a week, unless otherwise posted.

(i) Motorcycle, moped, or motor scooter spaces are restricted to motorcycles, mopeds or motor scooters 24 hours per day, 7 days a week. Motorcycles, mopeds, or motor scooters may park in hourly spaces as long as all fees are appropriately paid. Motorcycles may not park in non-hourly automobile spaces and may not park in any gated lot or facility.

(6) Fine Structure.

(a) The following practices are specifically prohibited. The fine for each infraction shall be as follows:

1. Parking illegally on University property to include but not limited to: parking without a valid virtual permit, parking placard, or parking hang-tag in restricted lots; parking multiple vehicles on campus that are assigned to a single virtual permit; back-in parking without authorization; back-in parking in a campus parking garage or parking lot with angled parking; parking in an access lane; blocking access to spaces, lots, facilities, drive aisles, or streets; parking without the appropriate virtual permit, parking placard, or parking hang-tag for the space, lot, or facility used; obstructed license plate; virtual permit vehicle information entered incorrectly; improper parking in a loading zone; parking on lawns, landscape or sidewalks; parking in a "No Parking" or non-designated parking area; overtime parking in hourly spaces or time limited spaces -- fine code 01. The fee assessed for this violation: \$30.00.

2. Boot Fee. Administrative charge for vehicle that is immobilized for unpaid parking citations. Citation is placed on identified vehicle and the payment must be paid with other outstanding citations before the boot is removed from the vehicle. Fine code 02 violation. The fee assessed for this violation: \$50.00.

3. Parking in a fire lane or any area designated and marked as a fire lane -- fine code 03. The fee assessed for this violation: \$100.00.

4. Parking in a disabled space without authorization, blocking disabled spaces or access aisles, or with a disabled permit being used fraudulently -- fine code 04. The fee assessed for this violation: \$250.00.

5. False registration. Falsification of proof of status to obtain an FSU virtual permit, motorcycle permit, parking placard, or parking hang-tag or purchase of a virtual permit, motorcycle permit, parking placard, or parking hang-tag by an authorized individual for use by or resale to an unauthorized individual. Failure to provide correct vehicle information within seven working days. Use of a parking permit, placard, or hang-tag listed as stolen or lost. Use of an altered or forged parking permit, placard, or hang-tag. Misuse and fraudulent use of a virtual permit, motorcycle permit, parking placard, or parking hang-tag or unauthorized use or possession of a gate opening device -- fine code 05. The fee assessed for this violation: \$100.00.

6. Parking in a designated reserved space, reserved lot/facility, or ~~bagged~~ hourly space -- fine code 06. The fee assessed for this violation: \$100.00.

7. Parking in designated bus loading zone during operating hours -- fine code 07. The fee assessed for this violation: \$100.00

(b) Late Fee. A \$10.00 late fee is assessed on all parking citations that are unpaid or uncontested after thirty (30) calendar days from issuance.

(7) Disposition of University Parking Citations.

(a) Uncontested. Persons wishing to pay the fine for any University Parking Citation shall do so at Student Financial Services or designated point of payment, in accordance with the schedule of fines.

(b) Contested. Any person wishing to contest a University Parking Citation shall proceed as follows:

1. Notice. Such person shall, within 30 calendar days from the date on which the citation was issued, file a written notice of election to contest the citation with the Office of Transportation and Parking Services.

2. The Florida State University Parking Violations Appeal Form, identified as FSU Form No. MP-03, Eff. 8-89, and the instructions contained therein are adopted by reference. Copies of the form may be obtained from the Florida State University Office of Transportation and Parking Services, Tallahassee, Florida.

3. Disposition by Director. The Director or designee shall review timely received written appeals or completed Form MP-03, and as soon thereafter as practicable, issue a written finding that the person charged is either in violation or not in violation of the University parking Regulation designated on the citation. Any person found to be in violation shall within 14 calendar days of issuance of the Director's written findings, either pay the applicable fine or give notice of his or her intent to seek review by the Transportation Violations Appeals Board. Such notice shall be given by completing a Transportation Violations Appeals Board Form MP-01 and filing it with the Board Coordinator. At the time of filing Form MP-01, if applicant wishes to have the issuing officer present at the Appeal Board hearing they must specifically indicate this request on Form MP-01. This is the only time the request can be made.

4. The Florida State University Transportation Violations Appeal Board Form, identified as FSU Form No. MP-01, Eff. 8-89, and the instructions contained therein are adopted by reference. Copies of the form may be obtained from the Florida State University Office of Transportation and Parking Services, Tallahassee, Florida.

5. Transportation Violations Appeals Board. Any person for whom an appearance before the Board has been scheduled may appear personally, or submit a written presentation, or both. Any person making a written submission only, must submit it to the Board Coordinator at least

1 working day prior to the date on which the appearance is scheduled. A person appearing in person before the Board desiring to have the presence of the issuing officer at the hearing must request the presence of the officer at the time of scheduling the date and time of hearing. This request will be indicated on the filed Form MP-01. If an individual indicates a desire to appear personally, the Coordinator will schedule an appearance and give the person written notice of the date, time, and place thereof. A person appearing in person before the Board may also introduce witnesses but shall be responsible for securing the presence of such witnesses. In any appearance before the Board, whether in person or in writing, a person may raise any matter relevant to the Board's decision. Any person who is unable to appear personally at the time scheduled, but wishes to do so, can reschedule an appearance by contacting the Board Coordinator at least 3 working days prior to the originally scheduled appearance and showing good cause why the appearance should be rescheduled. The Board shall have the authority to continue any person's appearance to a subsequent date, time, and place, whenever the Board Chairperson determines that such a continuance is necessary to dispose of the matter. The Appellant may only cancel and have rescheduled one Board

hearing. After one such cancellation the Board will proceed with the rescheduled hearing and in the absence of the Appellant, will consider the Appellant's completed Transportation Violations Appeal Form MP-03 as the Appellant's appeal presentation. After the conclusion of a proceeding before the Board, the Board shall issue in writing its decision to either affirm the

Director's findings, affirm the Director's decision and reduce the fine, or reverse the Director's decision and dismiss the citation. The decision of the Board shall be final. The proper initiation of a proceeding to contest a citation shall serve to suspend the 14-working day deadline for timely payment of fines for the period that the proceeding is pending.

(c) Automatic Adjudication. All persons are subject to an automatic adjudication of guilt for failure to respond to a citation within 30 calendar days following the violation. In such case, the appropriate fine, plus an additional penalty, shall be imposed. Any person who is automatically adjudicated guilty may appeal in writing to the Transportation Violations Appeals Board for waiver of the automatic adjudication of guilt and the additional penalty. This appeal must be made within 180 calendar days from the date of the issuance of the citation. If the Board determines that there are extenuating circumstances justifying a waiver, the individual shall be given the prerogative of appealing the citation itself to the Board.

(d) Confidentiality. In any case in which a student is the alleged violator, the records of proceedings before the Director and the Board shall be disclosed only in accord with Sections 1002.22 and 1006.52, Florida Statutes.

(e) Non-Compliance, Sanctions. In addition to the obligation to pay the appropriate fine and penalty, the following additional actions shall be taken, and sanctions imposed in the following circumstances:

1. In the case of a person who fails to either pay the applicable fine or give notice of his or her election to contest a University Parking Citation, within 30 calendar days of the date of issuance of such citation; or who fails to pay the applicable fine within 30 calendar days of the date of issuance of written decision of the Transportation Violations Appeals Board, affirming the individual's adjudication of violation, the Director of Transportation and Parking Services is authorized to revoke, suspend, or restrict the on-campus driving and parking privileges of such

individual and take such further action as necessary to enforce the revocation or restriction of privileges and shall cause the matter to be referred as appropriate to the University Controller, the Dean of Students or the University Personnel Relations Department, or some combination thereof, for further action.

2. All matters so referred to the University Controller shall be deemed to be accounts receivable and the Controller shall take the necessary action to collect such debts. In the case of students, such necessary action shall include: refusal of permission for such students to register and withholding of transcripts and diplomas from such students until the debt has been paid. In the case of employees such necessary action shall include: involuntary payroll deductions, pursuant to Regulation FSU-2.022, F.A.C., until the debt has been paid.

3. All matters involving faculty employees shall be referred to the Office of the Dean of the Faculties for appropriate action taken in accordance with applicable provisions of the Florida Statutes, University Regulations governing faculty employment, and any applicable faculty collective bargaining agreement. All matters involving non-faculty employees shall be referred to the Assistant Vice-President and Chief Human Resources Officer or designee for appropriate action taken in accordance with applicable provisions of Florida Statutes, Regulation FSU-4.070, and any applicable collective bargaining agreement.

4. Following revocation, suspension or restriction of on-campus driving and parking privileges, the Director shall lift said revocation, suspension or restriction once the applicable fines, charges, and penalties have been paid and all other requirements for registration have been met.

5. Either the Director of Transportation and Parking Services or the Parking Violations Appeals Board, shall, for good cause shown, provide for a longer period of time in which to pay the applicable fine. Good cause shall include, but not be limited to: (1) compelling personal or

family financial obligations or inability to pay; or (2) percent of fine in relation to an individual's available income exceeds 25%. In such cases, no further sanction or penalty as described herein shall be imposed on account of the outstanding fine, until such time period has elapsed without full payment being made.

6. Immobilization; "Booting". A motor vehicle parked upon the University campus may, at any time, by or under the direction of an officer or staff member of the Department of Public Safety or an employee of the Office of Transportation and Parking Services, be immobilized in such a manner as to prevent its operation. A vehicle will be considered "bootable" in accordance with due process and based on a citation history, when 3 or more parking citations are outstanding against a responsible individual or if pending parking citations total \$90.00 or more.

a. Upon immobilization of such motor vehicle, the officer or employee shall cause to be placed on such vehicle, in a conspicuous manner, sufficient notice to warn any individual that such vehicle has been immobilized and that any attempt to move such vehicle might result in damage to the vehicle and is grounds for criminal charges for grand theft.

b. The individual responsible for the vehicle shall have the right to a probable cause hearing before the chairperson of the Transportation Violations Appeals Board or his or her designee, provided such a hearing is requested within 15 calendar days from the date the notice of immobilization is received. The purpose of the hearing is to determine if there is probable cause for continued detention of the vehicle. No hearing will be held unless requested in writing by the individual responsible for the vehicle or his or her agent at the Office of Transportation and Parking Services. The hearing shall be held within 72 hours from receipt of said written request, and the decision shall be issued in writing within 24 hours from the close of the hearing. In lieu of the probable cause hearing, or pending such hearing, where probable

cause is found at such hearing, the individual responsible for the vehicle or his or her agent may obtain release of the vehicle by depositing security in the amount of immobilization charges and all delinquent fines and penalties to the Director of Transportation and Parking Services, or his/her designee.

c. If the chairperson or his or her designee finds probable cause to immobilize a vehicle, upon request of the individual responsible for the motor vehicle, a date shall be set for full evidentiary hearing before the Transportation Violations Appeals Board. Pending this hearing, the vehicle may be released as provided in (6) (b) above.

d. If no probable cause is found to impound a motor vehicle, it shall be released without requiring the individual responsible for the vehicle to pay the administrative charge for immobilization. If the motor vehicle was previously released upon payment of security, such payment shall be refunded.

e. Failure to request a probable cause hearing within 15 calendar days from the date of the notice of impoundment is received constitutes a waiver of said hearing and the vehicle shall be released only upon payment of the impoundment charges and delinquent fines or penalties.

f. The immobilization device or mechanism shall remain in place for 48 hours, unless the individual responsible for the vehicle has complied with subsection (b) above. If such compliance has not occurred within 48 hours, the vehicle shall be towed and impounded. This subsection does not preclude the towing in the first instance of the vehicle which, because of the number of outstanding parking citations against it, is subject to towing and impoundment pursuant to the other provisions of this Regulation.

Specific Authority Specific Authority: Art. IX, Sec 7, Florida Constitution, , Florida Board of Governors Regulations 1.001(3)(j), (7)(k), 7.003(9), (10), Florida Board of Governors Regulation Procedure, 7-21-07, Law Implemented 1006.66, 1009.24(14)(r), FS History--New 9-30-75, Amended 3-2-77, 8-28-79, 8-12-85, 4-16-86, Formerly 6C2-2.09, Amended 7-14-87, 8-1-88, 8-1-89, 4-24-90, 11-4-91, 8-17-92, 9-27-93, 12-14-93, 10-28-94, 9-17-95, 8-25-98, 7-20-99, 8-17-00, 8-3-05, 6-9-06, 2-11-2007, 6-13-2008, 6-25-2010, 9-9-2011, 6-7-2013, 10-9-2015, 6-7-2019, 8-13-2020, 6-22-2022, _____



FLORIDA STATE UNIVERSITY
BOARD OF TRUSTEES
Finance and Business Committee

ACTION ITEM V



FLORIDA STATE UNIVERSITY

BOARD OF TRUSTEES

Finance and Business Committee

ACTION ITEM V

Thursday, June 20, 2024

SUBJECT: Parking Regulation 2.009 Amendment

PROPOSED COMMITTEE ACTION

Seeking approval to amend parking regulation 2.009 as follows:

- create an optional student parking permit that would be required to park overnight (12a-5:45a M-F)
- allows parking from 10:00pm Friday through 11:59pm Sunday with no virtual parking permit or valid parking credential required in unreserved areas.

AUTHORITY FOR BOARD OF TRUSTEES ACTION

The authority for the proposed regulation is as follows: BOG Regulations 1.001(3) (j), (6), (7) (g); 1009.24(14) (r) F.S.

BACKGROUND INFORMATION

The implementation of a fee-based permit will lower demand for overnight parking thereby freeing up space for our commuting populations and generate much-needed parking revenue which would be used to improve parking and transportation programs and facilities.

ADDITIONAL COMMITTEE CONSIDERATIONS

BOG approval is not required for this item.

Supporting Documentation Included: Regulation 2.009 amended language

Submitted by: Kyle Clark, Senior Vice President for Finance & Administration

FSU-2.009 Parking and Traffic Regulations.

(1) General Information.

(a) Applicability of Traffic Regulation. This regulation shall be applicable to all vehicles operated or parked on the Florida State University (FSU) campus at any time, including examination periods, semester breaks, and registration periods. The fines, penalties and other sanctions provided herein may be imposed against any person who shall cause, allow, permit or suffer any vehicle registered in any state or at the Office of Transportation and Parking Services in the name of, or operated by such person to be parked or operated in violation of any provision of this Regulation. It is the policy of FSU to enforce the provisions of this Regulation and seek to impose the fines, penalties or other sanctions provided herein:

1. In the case of a vehicle registered with the Office of Transportation and Parking Services, against the person in whose name such vehicle is so registered.
2. In the case of a vehicle not so registered, if it is determined that the operator at the time of the violation is affiliated with FSU and, in fact, should have registered the vehicle with the Office of Transportation and Parking Services, against the person affiliated with FSU.
3. In the case of a vehicle not so registered and whose operator at the time of the violation cannot be identified, against the title holder of said vehicle.

(b) Applicability of Florida Statutes and Ordinances of the City of Tallahassee. All ordinances of the City of Tallahassee relating to traffic which are not in conflict or inconsistent with this Regulation shall extend and be applicable to the grounds of the University. A copy of said ordinances shall be available for inspection at the Office of Transportation and Parking Services. In addition, the provisions of Chapter 316, Florida Statutes, shall extend and be applicable to the grounds of the University.

(c) Responsibility for Implementation. Unless otherwise noted, the Director of Transportation and Parking Services shall be responsible for the supervision and implementation of this Regulation. All requests for individual consideration with regard to the parking and traffic regulations contained in this Regulation must be directed to that person at the Office of Transportation and Parking Services.

(d) Definitions. The following words and phrases, when used in this Regulation, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

1. Access Lane. Any area that is not designated as a parking space, and that provides an avenue for traffic flow and emergency vehicles.
2. Automobile. Any motor vehicle having three (3) or more wheels.
3. Back-in Parking. Parking a vehicle so that the front-end of the vehicle is pointing toward the drive aisle. It does not matter if the vehicle actually backed into the parking space or drove through an adjacent space.
4. Commuter Lot. Designated lots/facilities that prohibit the parking of vehicles between the hours of midnight and 5:45 AM, except on Friday and Saturday evenings or as posted on the entrance of the lot.
5. Commuter Student. Any person not classified as faculty, administrative and professional personnel or University support personnel system staff that is enrolled and carrying 1 or more credit hours of undergraduate or graduate work at FSU that does not pay for on-campus housing and does not reside in an on-campus FSU residential hall.
6. Designated Parking Space. Areas governed by FSU parking Regulations with parking spaces delineated by red, white, yellow, green or blue striping, and ~~meter~~ hourly parking sign , or other physical barriers to include, but not be limited to railroad ties and bumper blocks intended to delineate parking parameters.

7. Director of Transportation and Parking Services. An FSU employee who has been assigned the specific duties of supervising and managing the Office of Transportation and Parking Services.

8. Employee. Any employee of FSU including (but not limited to) executive staff, faculty, administrative and professional personnel, University support personnel system staff, and OPS staff.

9. Employees of Recognized FSU Organizations or Contracted Services. Personnel who work on campus, but who are not University employees (including, but not limited to: bookstore employees, beauticians, barbers, food service personnel, credit union employees, golf course employees, postal/shipping employees, staff of religious houses, event personnel, and employees of the Greek houses).

10. Financial Aid Disbursement. The period of time defined each semester by the Controller's Office for the disbursement of financial aid funds.

11. Fire Lanes. Those areas of campus that must be kept clear of all obstructions so as not to interfere with the movement of fire-fighting equipment and which are marked as fire lanes by signs and red painted curbing or fluorescent red and white painted areas, or both.

12. Loading Dock. Areas specifically designated for the sole purpose of loading or unloading materials or equipment at the delivery entrance or designated location to a building. Properly identified service vehicles, commercial vehicles, or vehicles properly displaying loading dock permits issued by the Office of Transportation and Parking Services are authorized to use loading docks. Loading docks are delineated by signs and/or pavement markings. Vehicles parked without proper authorization will be issued a citation and/or towed at owner's expense.

13. Loading Zones. Areas specifically designated for the sole purpose of loading or unloading materials or equipment. Properly identified service vehicles, commercial vehicles, vehicles registered for valid FSU virtual permits, or vehicles properly displaying a valid loading zone parking credential issued by the Office of Transportation and Parking Services are authorized to use loading zones. Loading zones are delineated by signs and/or pavement markings. Use of these areas is limited to 20 minutes. Vehicles exceeding the 20-minute maximum period may be issued a parking citation. Additional citations may be issued every hour after the original citation and/or vehicles may be towed at owner's expense.

14. Motorcycle, Moped, or Motor Scooter. Any motor vehicle having less than three (3) wheels.

15. Overnight Lot. Designated lots/facilities that allow parking twenty-four (24) hours a day.

16. Parking. The standing of a vehicle, whether occupied or not and whether the engine is running or not., as may be permitted by law under the State Uniform Traffic Control Law, Chapter 316, Florida Statutes, or this Regulation pursuant to Section 1006.66.

17. Parking Credential. A virtual parking permit, parking placard, parking hang-tag, or other designated pass/permit that authorizes parking in one or more campus parking lots/facilities.

18. Parking Hang-Tag. A parking hang-tag is a physical parking permit that is hung from an automobile's rearview mirror. A parking hang-tag authorizes parking in the lots, facilities, and/or spaces as shown on the hang-tag. The parking hang-tag does not authorize parking in any lots, facilities, or spaces not noted on the hang-tag.

19. Parking Placard. A parking placard is a physical parking permit that is placed on an automobile's dashboard. A parking placard authorizes parking in the lots, facilities, and/or spaces as shown on the placard. The parking placard does not authorize parking in any lots, facilities, or spaces not noted on the placard.

20. Permit Registration Year. The period from August 15 of one year to August 15 of the succeeding year

21. Persons Affiliated with FSU. Employees or students of FSU or employees of recognized FSU on-campus organizations or contracted services.

22. Reserved Space. A parking space that is reserved for a specific user, user group, event/function, or vehicle. The space will be marked with signage, pavement markings, and/or temporary barricades. Any parking space on campus may be reserved for events or other University functions.

23. Resident Student. Any person not classified as faculty, administrative and professional personnel or University support personnel system staff that is enrolled and carrying 1 or more credit hours of undergraduate or graduate work at FSU that also pays for on-campus housing and resides in an on-campus FSU residential hall.

24. Restricted Hours. Between 7:30 AM and 10:00 PM, Monday through Friday on all class days, examination periods, semester breaks, and registration periods.

25. Service Vehicle Area. Areas reserved for properly identified service or emergency vehicles performing maintenance or repair of University owned or leased equipment or facilities, commercial vehicles, or vehicles bearing proper authorization from the Office of Transportation and Parking Services. Non-Service State vehicles are prohibited from parking in service vehicle spaces. Service vehicle areas are reserved during restricted hours and are delineated by signs and/or pavement marking. Vehicles without proper authorization will be issued a citation and/or towed at owner's expense for parking in a reserved space without authorization (fine code – 01 if the space is not reserved for a specific vehicle or fine code – 06 if the space is reserved).

26. Short Term Parking. Those spaces designated by signage with a two-hour maximum stay. An appropriate parking placard or hang-tag must be obtained from the Office of Transportation and Parking Services and appropriately displayed on the vehicle.

27. Transportation Violations Appeals Board. The University traffic authority established pursuant to Section 1006.66, Florida Statutes, to review disputes regarding citations and to render decisions regarding the appropriate penalty to be imposed, including the restriction, removal, or restoration of driving or parking privileges on campus. The Transportation Violations Appeals Board will consist of 2 or more divisions of equal authority. Each shall be composed of 4 members appointed for a period of 1 year. There shall also be appointed a pool of alternate members who shall be eligible to serve when called upon by the Board Coordinator, when a regular member is unavailable. All appointments shall be made by the Vice President for Finance and Administration. The positions on each division of the Board shall be occupied by faculty, staff (A&P or USPS) and student members. The Chairperson shall be elected annually from among the members of the Board and shall have full voting rights. This Board shall function on a year-round basis. A quorum shall consist of at least 2 members of the Board. When a quorum is not available, and the appellant has arrived on time for their scheduled hearing, the citation(s) will be dismissed.

28. Vehicle. Any automobile, motorcycle, moped or motor scooter as defined. Motorized scooters and micromobility devices governed by s. 316.2128, F.S., have certain rights of bicycles and are governed by that law, University regulation and policy including those governing bicycles, city ordinance and the provisions of any vendor contract.

29. Virtual Permit. Vehicle registration which allows the registered vehicle to be parked on the grounds of the University, as set out in this Regulation. A virtual permit is not a physical

permit. Instead, the registered vehicle's license plate is used to determine whether or not the vehicle is properly registered with the Office of Transportation and Parking Services. Up to five automobiles may be registered to a single virtual permit. However, a vehicle may not be registered to more than one virtual permit at a time. Automobile virtual permits are only issued to vehicles with three (3) or more wheels and motorcycle virtual permits are only issued to vehicles with fewer than three (3) wheels.

30. Visitors. Persons who are not employees or students of FSU and who do not work on campus for other organizations.

31. Working Day. Any day that the University is officially open. This does not include official holidays or winter break.

(2) Virtual Permits, Parking Placards, and Parking Hang-Tags.

(a) All vehicles parked on the campus by persons affiliated with FSU must be registered for a valid virtual permit or display the appropriate placard or hang-tag as instructed. The following, however, are excepted:

1. Board of Trustees. Vehicles bearing a valid "Board of Trustees" parking placard may be parked in any designated, unreserved parking space on campus.

2. "State" Tag Vehicles. Vehicles owned by or assigned to an FSU department or organization and bearing a duly issued "State" license tag must be registered for a valid virtual permit, but are not required to pay hourly parking fees. Such vehicles may be parked in any designated, unreserved parking space, short-term space (2-hour maximum) or loading zone (20-minute maximum) on campus. Vehicles bearing a duly issued "State" license tag but are not owned or assigned to an FSU department or organization must either purchase a virtual permit, purchase a visitor parking placard or hang-tag, park in an hourly parking space and pay the appropriate fee, or park in a designated visitor parking lot/facility and pay the appropriate fee.

3. News Media Vehicles. Press representatives, reporters, correspondents, and other representatives of the news media not otherwise affiliated with FSU, who are on campus on official news or press business, may park in any designated, unreserved space, short-term space (2-hour maximum) and loading zone (20-minute maximum). A virtual permit is not required if a valid press identification is prominently displayed on the vehicle(s). Students, faculty and staff are not eligible for this exemption.

4. Commercial Representatives in Commercial Vehicles. Marked delivery trucks, telephone and power service vehicles, limousine service automobiles, taxis, and buses making brief stops (less than 10 minutes) at 1 or more points on campus are not required to register for a virtual permit or display a parking placard or hang-tag. Vehicles used by persons required to perform service or regular maintenance on University-owned or leased equipment or facilities must have a valid FSU parking hang-tag displayed. These vehicles may be parked in any designated, unreserved parking space. Hourly parking and visitor lot/facility fees must be paid.

5. Contractors. Contractors and contractor personnel engaged in FSU construction projects may park within the fenced enclosure of the construction site. Other parking must be off campus or other on-campus locations specifically designated by the Office of Transportation and Parking Services. Construction placards or hang-tags must be displayed in the windshield of each parked vehicle, whether or not the vehicle is parked in a parking lot/facility or within a fenced enclosure.

6. Vehicles Transporting Disabled Individuals; Disabled Veterans.

a. In accordance with Florida Statutes, a vehicle bearing a disabled parking permit issued pursuant to Sections 320.0848, 320.0842, 320.0843, and 320.0845, Florida Statutes, or a disabled license plate issued pursuant to Section 320.084 or Section 320.0848, Florida Statutes

(disabled veterans and veterans confined to wheelchairs), may park in designated accessible

b. spaces if such vehicle is transporting a person eligible for such parking permit or license plate. Any person who is chauffeuring a disabled person shall be allowed momentary parking in any such parking space for the purpose of loading or unloading a disabled person. No penalty shall be imposed upon the driver for such momentary parking. Such vehicles shall not, however, be parked in a reserved space, bus loading zone, fire zone, disabled space access aisle, service vehicle space, non-designated parking area or any other area posted as a "No Parking" zone. All employee and student affiliates are required to purchase the appropriate virtual permit in order to park on campus. Vehicles appropriately registered for a valid virtual permit and displaying a disabled permit issued by the state may park in hourly, loading zone, short-term, and other unreserved permit designated spaces as long as time restrictions are observed. Visitors displaying a disabled permit issued by the state may park in designated accessible spaces, hourly parking space (at no charge), and/or visitor parking lots/facilities (provided the regular rate/fee is paid).

c. Any person who fraudulently obtains or unlawfully displays a disabled parking permit that belongs to another person while occupying a disabled parking space or an access aisle as defined in s.553.5041 while the owner of the permit is not being transported in the vehicle or who uses an unauthorized replica of such a disabled parking permit with the intent to deceive is guilty of a misdemeanor of the second degree, punishable as provided in s.775.082 or s. 775.083.

d. Transportation and Parking services will immobilize any vehicle displaying a fraudulent disabled permit and contact the FSU Police Department.

7. Visitors may park in hourly parking spaces or in any designated visitor parking lot/facility

provided appropriate fees are paid and time limits are not exceeded. All vehicles must be parked with the flow of traffic.

(b) The virtual permit year begins on August 15 and ends the following August 15. All permits, placards, and hang-tags will expire on August 15 each year.

(c) Permit Information: All persons affiliated with FSU that park on University property are required to register for a virtual permit and pay all related charges/fees.

(d) The Office of Transportation and Parking Services reserves the right to deny, restrict or revoke parking privileges to any individual who is in violation of the provisions of this Regulation. The fraudulent acquisition of a permit by giving incorrect information, falsified proof of status, or by any other means shall result in the issuance of violation(s), false registration -- fine code 05, to the individual(s) involved.

(e) Replacement Gate Access Cards and Virtual Permit Refunds. A replacement gate access card, if applicable, will be issued when a gate card is no longer serviceable. The original gate card must be returned to the Office of Transportation and Parking Services to qualify the holder for a replacement gate card due to defect. No refunds will be issued for returned temporary permits, gate cards or remote gate openers.

(f) Virtual Permit Classifications.

1. Faculty, Administrative and Professional personnel, and University Support Personnel System staff are eligible to register for "RP" virtual permits. Faculty, Administrative and Professional personnel, University Support Personnel System staff, Non-Student OPS employees of recognized FSU affiliated organizations or contracted services are eligible to register for "R" virtual permits. Both the "RP" and "R" virtual permits authorize parking only in designated "R" parking areas (as identified by red stall lines and/or entrance signage) or in areas specified for shared parking (as identified by alternating red and white stall lines and/or

entrance signage. In order to be appropriately registered for an “RP” or “R” virtual permit, the employee must provide the make, model, color, year, and license plate of each vehicle registered to the virtual permit (up to five vehicles per permit) and pay all required fees.

2. Visitors are eligible to purchase a "V" parking hang-tag, authorizing parking only in designated "W" and non-gated “R” parking areas. Faculty, staff and student affiliates, as well as employees of FSU affiliated organizations or contracted services, are not eligible to purchase a "V" hang-tag.

3. Students and Non-Student OPS employees are eligible to register for “VW” virtual permits. Vehicles that are registered to a "VW" virtual permit are authorized to park in designated "W" parking areas (identified by white stall lines and/or entrance signage) between the hours of 5:45 AM and 12:00 a.m. on all class days in areas designated for commuter parking and 24-hours per day in areas designated for overnight parking. “VW” virtual permits can also park in areas specified for shared parking (as identified by alternating red and white stall lines and/or entrance signage).

4. Students are also eligible to register for a “VRES” virtual permit which allows 24/7 access to a designated reserved lot or area. To acquire this optional permit, students must provide the make, model, color, year, and license plate of each vehicle registered to the virtual permit and pay all required fees (\$325 – Academic Year or \$415 – Annual).

4.5. Students are also eligible to register for an “Overnight” virtual permit (ON) which allows parking in all areas designated for overnight parking between the hours of 12am and 5:45am Monday through Friday. This permit will also carry “VW” parking privileges at all other times. To acquire this optional permit, students must provide the make, model, color, year and license plate of each vehicle registered to the virtual permit and pay all required fees (\$300 – Annual)

~~5-6.~~ Persons with FSU retired status who are no longer receiving any form of financial compensation for active employment may purchase an Emeritus or "E" virtual permit. The "E" virtual permit authorizes parking in any designated non-reserved faculty/staff parking area.

~~6-7.~~ Individuals operating motorcycles, mopeds or motor scooters may purchase a "VMC" virtual permit authorizing parking in motorcycle parking spaces only.

Commercial vendors and sales and service representatives are eligible to purchase commercial ("C") hang-tags. Vehicles bearing "C" hang-tags may park in any designated, ~~non-gated~~ unreserved parking space on campus. Commercial hang-tag holders may also utilize designated loading areas for 20-minute periods only, short-term parking spaces (2 hour maximum), and unreserved service vehicle spaces, as well as hourly parking spaces and visitor parking lots/facilities (provided appropriate fees are paid).

~~7-8.~~ Loading Zone hang-tags may be purchased on an individual basis to afford access to designated loading zones for loading or unloading of materials or equipment. "LZ" hang-tags are not valid in any other parking spaces on campus.

~~8-9.~~ Service vehicle hang-tags may be purchased by eligible service and technical support representatives. Vehicles bearing a valid "SV" hang-tag are eligible to park in designated unreserved service vehicle spaces with no time restriction and loading zones for a maximum of twenty (20) minutes. "SV" hang-tags are not valid in any other parking spaces on campus.

~~9-10.~~ Departmental hang-tags may be purchased by eligible FSU departments for use by employees to conduct departmental business. Vehicles bearing a valid departmental hang-tag are eligible to park in unreserved "R" parking spaces and loading zones for a maximum of twenty (20) minutes.

~~10-11.~~ Back-in hang-tags may be purchased by individuals with valid FSU virtual permits. Vehicles bearing a valid back-in hang-tag are authorized to park in appropriate campus parking

lots back-in style. Back-in hang-tags are not valid in parking garages or in parking lots with angled parking spaces.

~~11.12.~~ Temporary disabled parking placards or hang-tags will be issued by the Office of Transportation and Parking Services, upon determining eligibility, for a period not to exceed 21 calendar days. To be eligible to apply for a temporary disabled parking permit, the individual must have properly registered and paid for a valid virtual permit. Extension of the eligibility of a temporary permit for more than 21 calendar days will only occur upon receipt of a duly executed Florida Department of Highway Safety and Motor Vehicles Form 83039 S, which is incorporated herein by reference which contain "Disabled Person's Parking Permit a Physician's Statement of Certification", for issuing disabled parking permits at which time a placard or hang-tag will be issued for an additional period not to exceed 35 calendar days. This temporary disabled parking permit is non-renewable.

(g) Virtual permits, parking placards and hang-tags are issued to specific individuals or departments/organizations and are not transferable. The registered owner of the virtual permit, parking placard or parking hang-tag accepts responsibility of all fines when the permit is used by or displayed on any vehicle.

(h) An individual may purchase and maintain only 1 automobile virtual permit and 1 motorcycle virtual permit at a time during each permit year. This excludes any replacement permits issued.

(i) On the day preceding a home football game (including the spring football game) or as designated on lot/facility entrance signage, all vehicles must be removed by 11:59 PM in designated football lots. A map of football parking lots and facilities will be available on the Office of Transportation and Parking Services website.

(3) Parking Fees and Penalties.

(a) "VW" Student Transportation Access Fee. To be assessed each semester to all registered students. At the beginning of each academic year or upon the first registered semester for the academic year a virtual permit can be obtained by each student who has registered for classes. Each student who registers for a virtual permit and pays all related fees/rates shall be granted a "VW" virtual permit for their automobile or a "VMC" virtual permit for their motorcycle, scooter or moped. If a student owns both an automobile and a motorcycle, they shall have the option to purchase both a virtual permit for their automobile and a virtual permit for their motorcycle. It is the responsibility of the student to properly register their vehicle(s) for a virtual permit from the designated point of distribution. All annual permits shall expire on August 15 of each year.

(b) Fees for Transportation Services. The fees assessed for each type of parking credential, with the exception of the Student Transportation Fee and departmental charges, are subject to a sales tax mandated by the State Legislature- All transportation fees shall be posted on appropriate websites. Any fee increase/decrease to the Student Transportation Fee shall be approved by the Board of Trustees. The University President or designee shall have the authority to regulate all other fees associated with Transportation and Parking Services not addressed in this regulation.

(c) Fees for Visitor Parking Spaces/Lots/Facilities, Contractor Parking, and Special Event Parking. Fees for visitor, contractor, and event parking passes, hourly parking , designated visitor parking lots/facilities, and campus special event reservations shall be determined by the Director of Transportation and Parking Services. All visitor, contractor and event parking rates will be posted in the parking payment app, at the entrance of each visitor lot/facility, and on the Transportation and Parking Services website, as appropriate.

(d) Refund of Fees.

1. The Student Transportation Access Fee refund policy will be in accordance with University refund guidelines for local fees.

2. Virtual permits, parking placards, and parking hang-tags purchased on an annual or semester basis will not be refunded/canceled unless student has withdrawn from the University or employee is no longer employed by the University. In these cases, refunds will be made on a pro-rated basis on a monthly scale for unused parking and/or payroll deductions will cease at separation from the University.

3. No refunds will be issued for temporary permits or payroll deducted permits.

(e) Towing and Related Charges. If a vehicle is towed from University property, the standard towing fees will be paid by the owner or user of the vehicle directly to the commercial towing companies providing services authorized at the request of the University.

(4) Operation of Vehicles. Persons who drive vehicles on campus are subject at all times to the motor vehicle laws of the State of Florida, the Regulations of Florida State University and to the ordinances of the City of Tallahassee, where applicable.

(5) Parking of Vehicles.

(a) FSU reserves the right to regulate the use of any or all parking facilities, including the right to deny or revoke vehicle parking privileges to an individual or groups of individuals and to reserve parking facilities for the exclusive use of selected and designated individuals.

(b) The responsibility of locating a legal parking space rests with the operator of the motor vehicle. Lack of space will not be considered a valid excuse or reason for violating any parking regulation.

(c) Wrecker Services. Due to the nature of the University's on and off-street parking control activities the University utilizes local wrecker services on a rotational basis.

(d) Vehicles parked in violation of the provisions of this Regulation, abandoned on campus, deemed as a safety hazard by the FSU Police Department or Environmental Health and Safety, or failing to be registered for a valid virtual permit or display a current and valid parking placard or hang-tag shall be towed away and placed in commercial or University storage. Towing and storage charges, and any appropriate University fines, will be borne by the vehicle owner and must be paid before the vehicle will be released.

(e) All parking and traffic regulations apply 24 hours a day, 7 days a week except as follows:

1. "R" parking areas are reserved for the use of vehicles registered for "R", "RP", and "E" virtual permits, or vehicles displaying placards and hang-tags that provide parking in "R" parking areas, between the hours of 7:30 AM and 4:30 PM on all class days (or as otherwise noted by signage and/or gate equipment), examination periods, semester breaks and registration periods. "V" hang-tags may utilize ungated "R" parking areas only. These areas are delineated by signs and/or red parking lines. After 4:30 PM Monday through Friday, all valid FSU virtual permits, placards, and hang-tags are honored unless otherwise noted by signage.

2. "W" parking areas are reserved for the use of vehicles registered for valid "VW" virtual permits, or vehicles displaying placards and hang-tags that provide parking in "W" parking areas, between the hours of 7:30 AM and 4:30 PM Monday through Friday. These parking areas are delineated by signs and/or white painted parking lines.

3. Shared parking areas are reserved for the use of vehicles registered for valid FSU virtual permits, or vehicles displaying placards and hang-tags that provide parking in shared parking areas, between the hours of 7:30 AM and 4:30 PM Monday through Friday. These parking areas are delineated by signs and/or alternating red and white painted parking lines.

4. Between 4:30 PM and 10:00 PM, Monday through Friday, all parked vehicles must be registered for a valid FSU virtual permit or display a valid parking credential and may park in any marked space in any unreserved parking area without regard to permit designation and may park in hourly parking spaces provided applicable fee has been paid. Reserved and disabled parking regulations are still enforced.

5. Between 10:00 PM Friday and 11:59 PM, Sunday, no virtual permit or valid parking credential is required to park in any marked space in any unreserved parking area. Hourly spaces may be used without charge. Reserved and disabled parking regulations are still enforced.

~~5. Between 10:00 PM and 7:30 AM, Monday through Friday and all day on weekends, no virtual permit or valid parking credential is required to park in any marked space in any unreserved parking area. Hourly spaces may be used without charge. Reserved and disabled parking regulations are still enforced.~~

(f) General disabled spaces are restricted 24 hours a day, 7 days a week to vehicles bearing valid State disabled parking permits as provided in section (2)(a)6 of this Regulation, or temporary disabled parking permit as provided in section (2)(f)11.

(g) General disabled spaces may be designated as time limited. The time limitation will be posted on the sign. Vehicles parked in the time limited disabled space for longer than the maximum time are subject to the issuance of a fine code (01) citation. Accessible spaces in gated lots shall be designated for faculty, staff or student affiliates whose vehicle is properly registered to a valid FSU virtual permit and valid Department of Motor Vehicle Disabled Parking Permit. Vehicles without a valid FSU virtual permit are not authorized to park in the restricted disabled spaces.

(h) Spaces reserved for individuals, University/State vehicles or specific University facilities are restricted 24 hours per day, 7 days a week, unless otherwise posted.

(i) Motorcycle, moped, or motor scooter spaces are restricted to motorcycles, mopeds or motor scooters 24 hours per day, 7 days a week. Motorcycles, mopeds, or motor scooters may park in hourly spaces as long as all fees are appropriately paid. Motorcycles may not park in non-hourly automobile spaces and may not park in any gated lot or facility.

(6) Fine Structure.

(a) The following practices are specifically prohibited. The fine for each infraction shall be as follows:

1. Parking illegally on University property to include but not limited to: parking without a valid virtual permit, parking placard, or parking hang-tag in restricted lots; parking multiple vehicles on campus that are assigned to a single virtual permit; back-in parking without authorization; back-in parking in a campus parking garage or parking lot with angled parking; parking in an access lane; blocking access to spaces, lots, facilities, drive aisles, or streets; parking without the appropriate virtual permit, parking placard, or parking hang-tag for the space, lot, or facility used; obstructed license plate; virtual permit vehicle information entered incorrectly; improper parking in a loading zone; parking on lawns, landscape or sidewalks; parking in a "No Parking" or non-designated parking area; overtime parking in hourly spaces or time limited spaces -- fine code 01. The fee assessed for this violation: \$30.00.

2. Boot Fee. Administrative charge for vehicle that is immobilized for unpaid parking citations. Citation is placed on identified vehicle and the payment must be paid with other outstanding citations before the boot is removed from the vehicle. Fine code 02 violation. The fee assessed for this violation: \$50.00.

3. Parking in a fire lane or any area designated and marked as a fire lane -- fine code 03. The fee assessed for this violation: \$100.00.

4. Parking in a disabled space without authorization, blocking disabled spaces or access aisles, or with a disabled permit being used fraudulently -- fine code 04. The fee assessed for this violation: \$250.00.

5. False registration. Falsification of proof of status to obtain an FSU virtual permit, motorcycle permit, parking placard, or parking hang-tag or purchase of a virtual permit, motorcycle permit, parking placard, or parking hang-tag by an authorized individual for use by or resale to an unauthorized individual. Failure to provide correct vehicle information within seven working days. Use of a parking permit, placard, or hang-tag listed as stolen or lost. Use of an altered or forged parking permit, placard, or hang-tag. Misuse and fraudulent use of a virtual permit, motorcycle permit, parking placard, or parking hang-tag or unauthorized use or possession of a gate opening device -- fine code 05. The fee assessed for this violation: \$100.00.

6. Parking in a designated reserved space, reserved lot/facility, or ~~bagged~~ hourly space -- fine code 06. The fee assessed for this violation: \$100.00.

7. Parking in designated bus loading zone during operating hours -- fine code 07. The fee assessed for this violation: \$100.00

(b) Late Fee. A \$10.00 late fee is assessed on all parking citations that are unpaid or uncontested after thirty (30) calendar days from issuance.

(7) Disposition of University Parking Citations.

(a) Uncontested. Persons wishing to pay the fine for any University Parking Citation shall do so at Student Financial Services or designated point of payment, in accordance with the schedule of fines.

(b) Contested. Any person wishing to contest a University Parking Citation shall proceed as follows:

1. Notice. Such person shall, within 30 calendar days from the date on which the citation was issued, file a written notice of election to contest the citation with the Office of Transportation and Parking Services.

2. The Florida State University Parking Violations Appeal Form, identified as FSU Form No. MP-03, Eff. 8-89, and the instructions contained therein are adopted by reference. Copies of the form may be obtained from the Florida State University Office of Transportation and Parking Services, Tallahassee, Florida.

3. Disposition by Director. The Director or designee shall review timely received written appeals or completed Form MP-03, and as soon thereafter as practicable, issue a written finding that the person charged is either in violation or not in violation of the University parking Regulation designated on the citation. Any person found to be in violation shall within 14 calendar days of issuance of the Director's written findings, either pay the applicable fine or give notice of his or her intent to seek review by the Transportation Violations Appeals Board. Such notice shall be given by completing a Transportation Violations Appeals Board Form MP-01 and filing it with the Board Coordinator. At the time of filing Form MP-01, if applicant wishes to have the issuing officer present at the Appeal Board hearing they must specifically indicate this request on Form MP-01. This is the only time the request can be made.

4. The Florida State University Transportation Violations Appeal Board Form, identified as FSU Form No. MP-01, Eff. 8-89, and the instructions contained therein are adopted by reference. Copies of the form may be obtained from the Florida State University Office of Transportation and Parking Services, Tallahassee, Florida.

5. Transportation Violations Appeals Board. Any person for whom an appearance before the Board has been scheduled may appear personally, or submit a written presentation, or both. Any person making a written submission only, must submit it to the Board Coordinator at least

1 working day prior to the date on which the appearance is scheduled. A person appearing in person before the Board desiring to have the presence of the issuing officer at the hearing must request the presence of the officer at the time of scheduling the date and time of hearing. This request will be indicated on the filed Form MP-01. If an individual indicates a desire to appear personally, the Coordinator will schedule an appearance and give the person written notice of the date, time, and place thereof. A person appearing in person before the Board may also introduce witnesses but shall be responsible for securing the presence of such witnesses. In any appearance before the Board, whether in person or in writing, a person may raise any matter relevant to the Board's decision. Any person who is unable to appear personally at the time scheduled, but wishes to do so, can reschedule an appearance by contacting the Board Coordinator at least 3 working days prior to the originally scheduled appearance and showing good cause why the appearance should be rescheduled. The Board shall have the authority to continue any person's appearance to a subsequent date, time, and place, whenever the Board Chairperson determines that such a continuance is necessary to dispose of the matter. The Appellant may only cancel and have rescheduled one Board

hearing. After one such cancellation the Board will proceed with the rescheduled hearing and in the absence of the Appellant, will consider the Appellant's completed Transportation Violations Appeal Form MP-03 as the Appellant's appeal presentation. After the conclusion of a proceeding before the Board, the Board shall issue in writing its decision to either affirm the

Director's findings, affirm the Director's decision and reduce the fine, or reverse the Director's decision and dismiss the citation. The decision of the Board shall be final. The proper initiation of a proceeding to contest a citation shall serve to suspend the 14-working day deadline for timely payment of fines for the period that the proceeding is pending.

(c) Automatic Adjudication. All persons are subject to an automatic adjudication of guilt for failure to respond to a citation within 30 calendar days following the violation. In such case, the appropriate fine, plus an additional penalty, shall be imposed. Any person who is automatically adjudicated guilty may appeal in writing to the Transportation Violations Appeals Board for waiver of the automatic adjudication of guilt and the additional penalty. This appeal must be made within 180 calendar days from the date of the issuance of the citation. If the Board determines that there are extenuating circumstances justifying a waiver, the individual shall be given the prerogative of appealing the citation itself to the Board.

(d) Confidentiality. In any case in which a student is the alleged violator, the records of proceedings before the Director and the Board shall be disclosed only in accord with Sections 1002.22 and 1006.52, Florida Statutes.

(e) Non-Compliance, Sanctions. In addition to the obligation to pay the appropriate fine and penalty, the following additional actions shall be taken, and sanctions imposed in the following circumstances:

1. In the case of a person who fails to either pay the applicable fine or give notice of his or her election to contest a University Parking Citation, within 30 calendar days of the date of issuance of such citation; or who fails to pay the applicable fine within 30 calendar days of the date of issuance of written decision of the Transportation Violations Appeals Board, affirming the individual's adjudication of violation, the Director of Transportation and Parking Services is authorized to revoke, suspend, or restrict the on-campus driving and parking privileges of such

individual and take such further action as necessary to enforce the revocation or restriction of privileges and shall cause the matter to be referred as appropriate to the University Controller, the Dean of Students or the University Personnel Relations Department, or some combination thereof, for further action.

2. All matters so referred to the University Controller shall be deemed to be accounts receivable and the Controller shall take the necessary action to collect such debts. In the case of students, such necessary action shall include: refusal of permission for such students to register and withholding of transcripts and diplomas from such students until the debt has been paid. In the case of employees such necessary action shall include: involuntary payroll deductions, pursuant to Regulation FSU-2.022, F.A.C., until the debt has been paid.

3. All matters involving faculty employees shall be referred to the Office of the Dean of the Faculties for appropriate action taken in accordance with applicable provisions of the Florida Statutes, University Regulations governing faculty employment, and any applicable faculty collective bargaining agreement. All matters involving non-faculty employees shall be referred to the Assistant Vice-President and Chief Human Resources Officer or designee for appropriate action taken in accordance with applicable provisions of Florida Statutes, Regulation FSU-4.070, and any applicable collective bargaining agreement.

4. Following revocation, suspension or restriction of on-campus driving and parking privileges, the Director shall lift said revocation, suspension or restriction once the applicable fines, charges, and penalties have been paid and all other requirements for registration have been met.

5. Either the Director of Transportation and Parking Services or the Parking Violations Appeals Board, shall, for good cause shown, provide for a longer period of time in which to pay the applicable fine. Good cause shall include, but not be limited to: (1) compelling personal or

family financial obligations or inability to pay; or (2) percent of fine in relation to an individual's available income exceeds 25%. In such cases, no further sanction or penalty as described herein shall be imposed on account of the outstanding fine, until such time period has elapsed without full payment being made.

6. Immobilization; "Booting". A motor vehicle parked upon the University campus may, at any time, by or under the direction of an officer or staff member of the Department of Public Safety or an employee of the Office of Transportation and Parking Services, be immobilized in such a manner as to prevent its operation. A vehicle will be considered "bootable" in accordance with due process and based on a citation history, when 3 or more parking citations are outstanding against a responsible individual or if pending parking citations total \$90.00 or more.

a. Upon immobilization of such motor vehicle, the officer or employee shall cause to be placed on such vehicle, in a conspicuous manner, sufficient notice to warn any individual that such vehicle has been immobilized and that any attempt to move such vehicle might result in damage to the vehicle and is grounds for criminal charges for grand theft.

b. The individual responsible for the vehicle shall have the right to a probable cause hearing before the chairperson of the Transportation Violations Appeals Board or his or her designee, provided such a hearing is requested within 15 calendar days from the date the notice of immobilization is received. The purpose of the hearing is to determine if there is probable cause for continued detention of the vehicle. No hearing will be held unless requested in writing by the individual responsible for the vehicle or his or her agent at the Office of Transportation and Parking Services. The hearing shall be held within 72 hours from receipt of said written request, and the decision shall be issued in writing within 24 hours from the close of the hearing. In lieu of the probable cause hearing, or pending such hearing, where probable

cause is found at such hearing, the individual responsible for the vehicle or his or her agent may obtain release of the vehicle by depositing security in the amount of immobilization charges and all delinquent fines and penalties to the Director of Transportation and Parking Services, or his/her designee.

c. If the chairperson or his or her designee finds probable cause to immobilize a vehicle, upon request of the individual responsible for the motor vehicle, a date shall be set for full evidentiary hearing before the Transportation Violations Appeals Board. Pending this hearing, the vehicle may be released as provided in (6) (b) above.

d. If no probable cause is found to impound a motor vehicle, it shall be released without requiring the individual responsible for the vehicle to pay the administrative charge for immobilization. If the motor vehicle was previously released upon payment of security, such payment shall be refunded.

e. Failure to request a probable cause hearing within 15 calendar days from the date of the notice of impoundment is received constitutes a waiver of said hearing and the vehicle shall be released only upon payment of the impoundment charges and delinquent fines or penalties.

f. The immobilization device or mechanism shall remain in place for 48 hours, unless the individual responsible for the vehicle has complied with subsection (b) above. If such compliance has not occurred within 48 hours, the vehicle shall be towed and impounded. This subsection does not preclude the towing in the first instance of the vehicle which, because of the number of outstanding parking citations against it, is subject to towing and impoundment pursuant to the other provisions of this Regulation.

Specific Authority Specific Authority: Art. IX, Sec 7, Florida Constitution, , Florida Board of Governors Regulations 1.001(3)(j), (7)(k), 7.003(9), (10), Florida Board of Governors Regulation Procedure, 7-21-07, Law Implemented 1006.66, 1009.24(14)(r), FS History--New 9-30-75, Amended 3-2-77, 8-28-79, 8-12-85, 4-16-86, Formerly 6C2-2.09, Amended 7-14-87, 8-1-88, 8-1-89, 4-24-90, 11-4-91, 8-17-92, 9-27-93, 12-14-93, 10-28-94, 9-17-95, 8-25-98, 7-20-99, 8-17-00, 8-3-05, 6-9-06, 2-11-2007, 6-13-2008, 6-25-2010, 9-9-2011, 6-7-2013, 10-9-2015, 6-7-2019, 8-13-2020, 6-22-2022, _____



FLORIDA STATE UNIVERSITY
BOARD OF TRUSTEES
Finance and Business Committee

ACTION ITEM VI



FLORIDA STATE UNIVERSITY
BOARD OF TRUSTEES

ACTION ITEM VI

Thursday, June 20, 2024

SUBJECT: FSU-2.007 Use of Campus Land and Facilities

PROPOSED BOARD ACTION

Approve the proposed amendment to FSU-2.007 Use of Campus Land and Facilities

AUTHORITY FOR BOARD OF TRUSTEES ACTION

BOG Regulation 1.001(7) grant the Board of Trustees authority over use of university lands and facilities. BOG Regulation 1.001(3)(j) and the BOG Regulation Procedure allow the Board of Trustees to enforce its authority by Regulation in this manner.

BACKGROUND INFORMATION

The proposed amendment would make the following significant changes to the Regulation:

- replaces recognized student organizations with registered student organizations;
- for outdoor areas, adds Langford Green to student affairs areas and removes it from University Relations; adds Hawkins Field to Campus Recreation Areas and removes Marching Chiefs Practice Field from College of Music;
- extends definition of camping to use of tents at any time or bedding and hammocks after sundown
- adds list of prohibited conduct on campus
- adds list of time, place and manner restrictions

ADDITIONAL BOARD CONSIDERATIONS

Florida Board of Governors approval is not required.

Supporting Documentation Included: Regulation Amendment Text

Submitted by: Dr. Richard D. McCullough, President, Florida State University

FSU-2.007 Use of University Lands and Facilities.

(1) Introduction. The Florida State University is a public institution. This regulation sets forth the guidelines for use of University facilities for events other than the normal University functions of teaching, research, service and administration. Use of ~~campus~~ facilities is administered by various ~~University~~ units; however, final authority for use of all campus facilities lies with the President or designee.

(2) Scope. University space, including University lands and facilities, will be used first for the official and regular purposes and functions of the University. The University may extend the use of specified space to members of the University community or to the general public subject to the provisions outlined within this regulation. This regulation shall be interpreted and implemented in a manner consistent with the First Amendment to the United States Constitution, Art. I of the State Constitution, and the Campus Free Expression Act, section 1004.097, F.S. Nothing in this regulation is intended to or shall be used to prohibit free expression based on viewpoint, or to prohibit spontaneous expressive activity in outdoor areas of campus subject to this regulation and other reasonable time, place, and manner restrictions.

(3) Definitions.

(a) "University Persons, Groups and Organizations." University persons, groups and organizations are defined as one of the following: individual members of the University community (students, faculty, and employees acting in an official University capacity); all Student Government Association (SGA) entities; student organizations officially registered with ~~recognized by~~ the University; officially constituted colleges, schools, divisions, departments, agencies; and the University Board of Trustees or other corporate organizational units which are a part of, or operate on behalf of, the University, such as Direct Support Organizations, (DSO's).

(b) "University Related Groups and Organizations." Groups and organizations not officially registered ~~recognized by~~ or affiliated with the University, or otherwise failing to meet the definition in paragraph (a) above, but which are related to the University because of the promotion of interests of the University community, the academic professions, and other related interests of the faculty, staff, or students, or which perform other service to the University and its community, such as credit unions, academic professional associations and fraternities, employee organizations, charitable community organizations, other public educational institutions, and the like.

(c) "Non-University Persons, Groups and Organizations." Persons, groups or organizations which do not meet the definitions of persons, groups, or organizations as defined in paragraph (a) or (b) above, including those groups and organizations which exist primarily for the purpose of carrying on commercial activity for profit, or which otherwise exist primarily for private individual gain or benefit.

(d) "Private Events." A private event held on the University campus that is open to attendance only by members and invited guests of the host organization or person.

(e) "Public Events." A public event held on the University campus that is open to attendance by

all members of the University community and/or to the general public in accordance with the provisions of this regulation.

(f) "Continuing Education Programs." Continuing Education programs are those conferences, meetings, and other events registered with the Center for Professional Development & Public Services that have as their purpose the providing of instructional, training, and other educational programs to persons outside the University community. For regulation(s) pertaining to continuing education programs and events registered with the Center for Academic and Professional Development, refer to Regulation FSU-5.090, Center for Professional Development and Public Service.

(g) "Outdoor Areas of Campus." Outdoor areas of the campus are classified as follows and are subject to use in accordance with this regulation:

1. Academic areas. Outdoor areas immediately adjacent to classrooms, libraries, laboratories, auditoria, and research facilities.
2. Student Affairs Areas. ~~The Student Oglesby~~ Union, Student Services Building, Askew Student Life Center, and Health and Wellness Center areas. Outdoor areas immediately adjacent to these facilities, as well as Woodward Street Plaza, Langford Green, and Landis Green.
3. Residential areas. Outdoor areas immediately adjacent to residence halls on the University campus.
4. Campus Recreation areas. Outdoor areas of campus under the purview of Campus Recreation including the Lakefront Property ~~Seminole Reservation~~, Main Campus Intramural Fields, Recreation Sportsplex, Harkins Field, and Westside Courts.
5. University Relations areas. Outdoor areas of campus under the purview of University Relations including ~~Langford Green~~, areas immediately adjacent to the Westcott Building including Westcott Plaza, and Mina Jo Powell Green.
6. Athletics areas. Outdoor areas of campus under the purview of Athletics including Doak S. Campbell Stadium, Dick Howser Baseball Stadium, the Seminole Soccer Complex, the JoAnne Graf Softball Stadium, Speicher Tennis Complex, Mike Long Track, Basketball Facility, Morcom Aquatic Center, Sand Volleyball Courts, Sportsmanship Plaza (Gate G), University Center Gates Plaza (Gate K) and sports practice areas established for special uses. The Seminole Legacy Golf Club Golf Course is under the purview of the Business Services Office.
7. College of Music. Outdoor areas of campus under the purview of the College of Music including the Owen Sellars Amphitheatre, ~~and the Marching Chiefs Practice Field.~~
8. Donald L. Tucker Center. Outdoor areas of campus immediately surrounding and under the purview of the Tucker Center.
9. Panama City Campus. Outdoor areas of campus under the purview of the Office of Finance and Administration in Panama City.
10. Other areas of the campus established for special uses or purposes not otherwise designated in this section. The scheduling or use of these areas for meetings or events contemplated by this regulation shall be through the President's office, depending on entity assigned responsibility and control.

(h). "Camping". Camping is defined as use of a vehicle other than as for authorized transportation or work, tent, or other shelter at any time, and/or bedding or hammocks after sundown. ~~with the intent to stay overnight.~~

(4) Scheduling of Facilities and Outdoor Areas of Campus

(a) The following facilities and outdoor areas of campus are subject to this regulation. Scheduling of facilities and outdoor areas of campus is subject to oversight and policies determined by the following University units:

1. Academic areas. Non-academic use of these facilities and outdoor areas are requested through the space reservation office ~~Guest Services and Public Functions Office~~ in the Student Oglesby Union subject to approval by the University Registrar or designee.
2. The Student Oglesby Union, Student Services Building and the Askew Student Life Center areas. The scheduling of events or meetings in these facilities and outdoor areas is through the space reservation office ~~Guest Services and Public Functions Office~~ in the Student Oglesby Union.
3. Residential areas. The scheduling of meetings or events in these facilities and outdoor areas is scheduled through the Executive Director of University Housing Office or designee.
4. Campus Recreation areas. Facilities and outdoor areas are scheduled through the Director of Campus Recreation or designee.
5. University Relations areas. Facilities, including Miller Hall, Board Room UCC 5301, Beth Moor Lounge, and outdoor areas are scheduled through the Vice President of University Relations or designee.
6. Athletics areas. Facilities and outdoor areas are scheduled through the Director of Athletics or designee.
7. College of Music. Facilities and outdoor areas are scheduled through the Dean of the College of Music or designee.
8. Center for Global Engagement. Facilities are scheduled through the Director of Center for Global Engagement or designee.
9. Dunlap Student Success Center. Facilities are scheduled through the Assistant Vice President of Career Services ~~Director of Dunlap Student Success Center (Center for Civic Education and Service and Career Center)~~ or designee.
10. Center for Professional Development. Facilities are scheduled through the Director of the Center for Professional Development or designee.
11. Donald L. Tucker Center. Facilities and outdoor areas are scheduled through the Director of the Center or designee.
12. Campus Dining and Business Services facilities are scheduled through the Director of Business Services or designee.
13. Panama City ~~c~~Campus facilities and outdoor spaces are scheduled through the Director of Finance and Administration for the Panama City campus, or ~~his or her~~ designee, in consultation with the Dean.
14. Other areas of the campus established for special uses or purposes. The scheduling or use of these facilities for meetings or events contemplated by this regulation shall be through the President's Office, depending on entity assigned responsibility and control.

(b) Outdoor areas of campus may be used on an unscheduled basis for spontaneous expressive activities, provided that:

1. The University has not reserved or restricted the use of an outdoor area for individuals or groups pursuant to this regulation or for other official University purposes;

2. The unscheduled use of the outdoor area does not materially and substantially disrupt the functioning of the University or the expressive rights of other individuals or groups; and
3. The use of the outdoor area is otherwise in compliance with applicable laws, University regulations, and other reasonable time, place, and manner restrictions.

(c) Expressive activities in outdoor areas that have been reserved by the University or another individual, group, or organization for use through established University procedures are subject to removal or relocation under the parameters of this regulation. Additionally, no individual or group may claim exclusive use of any area without prior approval through the applicable event permitting processes.

(d) Requests for space by University and University Related Persons, Groups, and Organizations must be made per any policies set by the respective ~~University~~ units which oversee scheduling as outlined in this regulation. Said University unit policies must be consistent with this regulation.

~~(e)~~ Requests by Non-university persons, groups, or organizations requests for use of facilities or outdoor areas must be made per the policies set by the respective ~~University~~ unit which oversees scheduling as outlined in this regulation at least fourteen days in advance of the event. Requests for any continuing or permanent use of University facilities by a non-university user, for a certain time each day, or a certain day of the week for a number of weeks, shall not be permitted under this regulation.

(f) Meetings or activities scheduled in accordance with this regulation that contemplate the charging of admission or other fees shall be subject to policies as approved by the University President or designee.

~~(g)~~ All instructional space of the University, including seminar rooms, classrooms, laboratories, other research facilities, teaching auditoria, and libraries, is considered academic space and is under the assignment and control of the University Registrar. Any non-academic use of such facilities under this regulation shall be on a space-available basis. Requests for said space shall be made through the space reservation office of the Student Oglesby Union Guest Services Office subject to approval of the University Registrar.

(5) Facilities and Space Use other than for Official University Purposes by Category of User.

(a) Priority for Use of University Facilities.

1. Priority for the use of University facilities shall be awarded in the following order:

- a. University persons, groups, and organizations.
- b. University Related persons, groups, and organizations.
- c. Non-University persons, groups, and organizations.

2. When in the best interest of the University, such as the unforeseen need of facilities for major athletic events, priority of use may be reassigned with the approval of the President or designee.

(b) Use of University Facilities by University Persons, Groups, and Organizations.

1. University persons, groups, and organizations may use University facilities for the purpose of hosting events. A license agreement to secure use of facilities for private events may be issued by the space reservation office Public Functions Office in the Student Oglesby Union-Guest Services. Events may be subject to the registration requirements of the respective ~~University~~ units outlined in (4), which include rental payment, certificate of insurance, security, and other

registration requirements when deemed necessary by the University for the protection of the facility and the group participants and in the best legal and financial interest of the University.

2. Within the provisions of this section, private events shall not be accorded priority over public events. Any priority will be determined at the time of the scheduling of the event.

3. No University person, ~~or organization, or group~~ shall sponsor an event, for any Non-University person, group, or organization for the commercial or private benefit of said non-University person, group or organization that has not sought and received permission on its own to use University facilities.

(c) Use of University Facilities by University Related Persons, Groups, or Organizations.

1. University Related persons, groups or organizations may use University facilities subject to the following conditions:

a. All use of University facilities by University related persons, groups, or organizations shall be conditional upon the execution of a written agreement between the University and the individual, group, or organization desiring to use the facilities. Said agreement shall provide for, but is not limited to the following, that such individual, group, or organization:

i. Shall pay to the University the established rental fee as provided in (4)(d) plus any additional out-of-pocket costs incurred by the University or the state in the scheduling and holding of the activity, including but not limited to security, parking, and physical services.

ii. Shall supervise the event and accept full responsibility for any loss and/or damage to University facilities and/or equipment and shall hold the University harmless from any claims arising from any personal injuries in the use of the premises.

iii. Shall be responsible for reporting and paying all applicable Federal and State taxes.

iv. Shall assume all responsibility for the promotion and advertising of the meeting or event utilizing the University's ~~pPolicy for pPosting, pPromotions, aAdvertising, cChalking, and the dDistribution of mMaterials on FSU Campuses as adopted~~ in Regulation FSU-2.0131.

v. ~~The University's name and/or symbols shall not be used~~ the University's name and/or symbols in connection with the promotion or holding of any event without the express, written permission of the University.

vi. Shall provide the equipment of any type required for the event unless otherwise agreed to between the University and the individual, group, or organization. ~~The University's name and/or symbols shall not be used in connection with the promotion or holding of any event without the express, written permission of the University.~~

vii. Shall provide evidence of insurance required for the event as determined by the University Environmental Health and Safety department.

(d) Use of University facilities by Non-University Persons, Groups, and Organizations.

1. Use of University Facilities by Non-University Persons, Groups, and Organizations. Generally, groups in this category will not enjoy the use of campus facilities. However, it is possible that special conditions might permit the use of University facilities by some organizations in this group, such as educational programs that may be attended by members of corporate organizations.

2. Non-University persons, groups or organizations who are permitted use of University facilities shall use University facilities subject to the conditions outlined in (5) (c.):

(6) General Conditions Applicable to All Uses of University Areas and Campus Facilities.

(a) All uses of the University areas and facilities in accordance with this regulation are subject to the laws of the State of Florida and the rules, regulations, and policies of the Board of Trustees and the Florida State University and other applicable laws and rules.

(b) The University reserves the right to reasonably determine the time, place, and manner of all events held in University areas and facilities subject to this regulation as outlined in section (8) of this regulation.

(c) The use of public address systems or other electrical amplification equipment in outdoor areas of campus is subject to approval by the Director of the ~~Student~~ Student ~~Organization~~ Organization or designee, or the Chief of Police or designee. Approval will be granted when it is necessary that such equipment be utilized in the meeting or event and when the use of such equipment does not interfere with the academic processes or activities of the University or with other previously scheduled events or campus activities. All such use of public address systems or other amplification equipment is subject to the other provisions of this regulation and shall maintain a reasonable sound level which meets the communication needs of the event without excessive noise penetration to adjacent areas.

(d) All users of University areas and facilities shall take adequate precautions to avoid endangering the safety of persons in the area of the facilities used.

(e) The Florida State University does not allow the use of its facilities by groups or organizations whose practices may impact the health or safety of any individual or property. ~~are in conflict with the University's Non-Discrimination Policy.~~

(f) Cooperative arrangements with State Agencies for the use of University Facilities shall be permitted under this regulation.

(g) All persons, groups, and organizations must adhere to the University's policy on the use of alcoholic beverages at events, Regulation FSU-6.012 and the University's policy for posting, promotions, advertising, chalking, and the distribution of materials in Posting Regulation FSU-2.0131.

(h) Persons, groups, and organizations using a University facility or outdoor area shall clearly state the identity of the sponsoring group in its request, signage at the event, and in news releases, placards, tickets, etc.

(i) Use of University Facilities by Private Individuals and Commercial Organizations. University space shall not be provided for private individuals or commercial organizations except when specifically determined by the University that such use is in the best interest of the University and not in conflict with other University uses.

(j) Use of University Facilities for Political Campaign Events. It is recognized that the University, as a state educational institution, has an obligation to assist political organizations to inform the faculty and student body of the issues in primary and general elections. Therefore, all political campaign events shall be limited to meetings or events sponsored by ~~recognized~~ recognized organizations affiliated or registered with ~~of~~ the University and consistent with applicable laws, regulations and rules. Costs associated with the use of university facilities for campaign events shall be the responsibility of the sponsoring organization or political campaign.

(k) Individuals or groups who occupy university facilities or outdoor areas of campus are responsible for removing all equipment and debris following use of the space. Individuals or groups may be held financially responsible for the university's cost for removal of any debris or

equipment or any other damage to university property.

(7). Use of Campus Lands; Tents, Shelters, Camping.

(a) Tents, shelters, or other temporary structures are prohibited on lands of the Florida State University campus except when used in connection with activities of academic or administrative units of the University, or as otherwise approved pursuant to this subsection.

(b) Tents, shelters, or temporary structures ~~Tents or other temporary structures~~ may be erected on University property by academic or administrative units only for activities directly related to the mission of the unit and only after first obtaining written approval of the Vice President for Finance and Administration or designee, who shall consider time period, space, traffic, and other safety and aesthetic factors.

(c) Student Government and registered ~~recognized~~ student organizations may secure approval for use of tents, shelters, or temporary structures for activities described above by request to the Vice President for Finance and Administration or designee, who shall consider time period, space, traffic, and other safety and aesthetic factors.

(d) Camping is prohibited on lands of the Florida State University campus except when such camping is in connection with an official activity of the University, such as an activity of an academic or administrative unit. Prior written approval for such camping must be granted by the Vice President for Finance and Administration or designee taking into consideration time period, space, traffic, and other safety and aesthetic factors, along with the health, safety and welfare of the participants, the University community, and guests of the University. However, the Florida State University Chief of Police may authorize the use of vehicles, mobile homes, camping trailers, gazebos, tarps and similar structures in pre-designated areas in conjunction with or furtherance of an official one- day university event.

(8) Prohibited Conduct

The University prohibits any person from interfering with university and authorized functions, activities, and events and from participating in unlawful conduct. As such, no person may engage in the following:

(a) Obstruct or impede vehicular, bicycle, pedestrian, or other traffic;

(b) Obstruct any entrance or exit to any building, assembly space, driveway, parking lot, vehicular path, stairway or walkway or impede entry to or exit from any such area;

(c) Build or construct any shelter, barrier, or other physical structure.

(d) Camping as defined in this regulation.

(e) Disrupt, disturb, or interfere with educational or administrative activities, events, or operations inside or outside any building;

(f) Enter into any building or facility or occupy any university building without appropriate authorization;

(g) Violate any applicable federal, state, or local law, rule, or ordinance;

(h) Fail to comply with any reasonable instruction by university policy or any University official action in the performance of their duty;

(i) Cause any threat to the health or safety of any passerby or member of the University community;

(j) Engage in harassing conduct as defined in the Student Conduct Code, regulation 3.004 which includes any gesture, written, verbal, or physical act or any electronic communication that places a person in reasonable fear of harm to their person or damage to their property, infringes upon rights of personal privacy, has the effect of substantially interfering with a reasonable person's academic performance or ability to participate in opportunities or benefits provided by the University, or has the effect of substantially interfering with the orderly operation of the University.

(k) Obstruct, disrupt, or attempt by physical force to cancel or discontinue speech by any speaker, or the observation of speech by any person intending to see or hear a speaker;

(l) Damage University property, including but not limited to structures, grass, shrubs, trees, fountains, or other landscaping;

(m) Mark university property, including any vertical or horizontal surface, other than in accordance with regulation 2.0131.

(n) Use amplified sound, including but not limited to bullhorns, airhorns, and noise-making devices or instruments, except as approved in advance under applicable policy and within sound limits that will not disrupt University operations;

(o) Wear any mask, hood, or device whereby any portion of the face is so hidden, concealed, or covered as to conceal the identity of the wearer.

(p) Conduct that is in violation of the lawful time, place, and manner restrictions in this regulation.

(q) Any inflammatory speech that is directed to inciting or producing imminent lawless action, and is likely to incite or produce such action. d

(9) Time, Place and Manner Restrictions

Time, place, and manner restrictions are content-neutral limitations that serve the University interest to ensure the health, safety, and rights of all members of the University community.

(a) No person, while participating in any meeting, assembly, picketing activity, demonstration, protest or gathering shall carry or possess any of the following:

1. Signs exceeding the size restriction of 24" by 36". Only signs constructed of foam, cardboard, or paper shall be permitted to be carried. Signs may be mounted on sticks or posts provided that the sticks or posts are constructed of wood, foam, or plastic and their dimensions do not exceed one-half inch in diameter (if round in shape) or one-fourth inch thick by two inches wide (if rectangular in shape).

2. Unmanned signs, banners, or flags. All signs, banners, or flags must be in the possession of persons at all times, and any unmanned signs, banners or flags will be collected.

3. Signs, banners, flags, or displays that infer university endorsement either by content or location.

4. Weapons or firearms as defined by FL Statute 790.001.

5. Mace or pepper spray unless for the purpose of personal protection.

6. Bats or other club-like objects.

7. Face shields, gas masks, hand-held shields, or helmets.

of violations of University regulations or policies, or other applicable laws or ordinances.

8. Flammable liquid.

9. Torches or other open flames, except as authorized by University officials.
10. Wagons, carts, or ladders, except as authorized by University officials, or other items that could be used to barricade or to push or manipulate crowds.
11. Tents, vehicles, shelters, and/or bedding as outlined in section (7) of this regulation.
12. Any other items reasonably determined by the President or designee to be a public safety hazard.

(b) Meetings, assemblies, picketing activities, demonstrations protests, and gatherings are subject to the following restrictions:

1. Public address systems and other electrical amplification equipment may be utilized for events, subject to the provisions in section (6) of this regulation. All such use of public address systems or other amplification equipment shall maintain a reasonable sound level which meets the communication needs of the event without excessive noise penetration to adjacent areas.
2. Only University or University-related events will be permitted during any final exam period, and no unapproved amplified sound will be permitted at outdoor events during any final exam period.
2. The University may place limits on the attendance of expressive activities based upon the capacity of the forum.
3. Outdoor events are only permitted between sunrise and sundown unless prior approval is granted from the University i.e. scheduled sports competitions located in properly lighted space designed for such activity and scheduled through Campus Recreation.
4. Outdoor events are not permitted to block ingress or egress to any building or pathway, stairs, landings, or other areas deemed to create a hazard to the safety of the community.

Specific Authority Board of Governors Regulations 1.001 (3) (j) and (7) (g). History–New 9-30-75, Formerly 6C2-2.07, Amended 5-11-04, 9-24-10, 1-13-2012, 3-8-2013, 9-4-2018, ____



FLORIDA STATE UNIVERSITY
BOARD OF TRUSTEES
Finance and Business Committee

ACTION ITEM VII



FLORIDA STATE UNIVERSITY
BOARD OF TRUSTEES

ACTION ITEM VII

Thursday, June 20, 2024

SUBJECT: Emergency Regulation-FSU ER24-1 Purchasing and Procurement

PROPOSED BOARD ACTION

To approve an Emergency Regulation FSU ER24-1 amending the definition of “contractual services” in FSU-2.015 Purchasing and Procurement

AUTHORITY FOR BOARD OF TRUSTEES ACTION

BOG 1.001(7) gives the Board of Trustees authority over Purchasing; BOG Regulation 1.001(3)(j) gives the Board of Trustees authority to adopt Regulation pursuant to BOG Procedure and BOG Procedure authorizes Emergency Regulations

BACKGROUND INFORMATION

The current FSU Purchasing and Procurement regulation, FSU-2.015, in section (18)(g), excludes “labor or materials or selection of professional services for the construction, renovation, repair, maintenance or demolition of facilities or grounds” from the definition of “Contractual Service”. That definition was consistent with prior internal organization which has now changed. The definition may exclude FSU from access to urgently needed contractual service contracts.

ADDITIONAL BOARD CONSIDERATIONS

Florida Board of Governors approval is not required.

Supporting Documentation Included: (1) Proposed Emergency Notice, (2) Proposed Emergency Regulation FSU-ER24-1.

Submitted by: Kyle Clark, Senior Vice President for Finance & Administration

**SUMMARY NOTICE OF PROPOSED FLORIDA STATE UNIVERSITY
EMERGENCY REGULATION**

FSU-ER24-1 Purchasing and Procurement

[amending current FSU-2.015 Purchasing and Procurement]

The proposed emergency regulation was approved by the Board of Trustees at its meeting on June 20, 2024, and takes effect on adoption, effective for 90 days. A more permanent parallel amendment to this regulation will be normally noticed and presented to the Board of Trustees at its next meeting, currently scheduled for September 12-13, 2024.

The current FSU regulation, FSU-2.015, in section (18)(g), excludes “labor or materials or selection of professional services for the construction, renovation, repair, maintenance or demolition of facilities or grounds” from the definition of “Contractual Service”. That definition was consistent with prior internal organization which has now changed. This change is entirely consistent with BOG 18.001 Procurement Regulation.

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE HEALTH, SAFETY OR WELFARE:

This Emergency Regulation is necessary because the current regulation definition of “contractual services” could limit FSU access to certain favorable contractual services which are urgently needed for the welfare and essential functions of the university and to comply with certain federal mandates. These contracts may not be available under the existing definition. There is insufficient time to provide the full 30-day notice prior to the Board of Trustees June 20, 2024 meeting.

Therefore, an Emergency Regulation is needed which may be approved without prior notice but only valid for 90 days. This same proposed revision with any further needed refinement will be submitted to the Board after the normal required 30 day notice at its next meeting, currently scheduled for September 12-13, 2024

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:

The required notice of this action by the Board of Trustees is provided on the official FSU Regulation webpage. Any interested or affected parties may

object to or comment on the emergency regulation and also to its subsequent more permanent and regular adoption.

AUTHORITY FOR THE PROPOSED UNIVERSITY REGULATION:

The authority for the proposed regulation is as follows: Florida Board of Governors Regulations 1.001(3)(j), (7) , Florida BOG Regulation Development Procedure for State University Boards of Trustees.

UNIVERSITY OFFICIAL INITIATING THE REGULATION: Senior Vice President for Finance and Administration

PROCEDURE FOR PROVIDING COMMENTS ON THE PROPOSED

UNIVERSITY REGULATION: Any person may submit written comments concerning the proposed regulation within 14 days of the date of this notice to:

Arthur R. Wiedinger, Jr.
Office of General Counsel
424 Westcott Building
Florida State University
Tallahassee, FL 32306-1400
Electronic address: awiedinger@fsu.edu
850-644-8973 (fax)
850-644-4440 (phone)

FSU-ER24-1 Procurement and Purchasing

(1) Statement of Intent. It is the intent of the University to acquire quality goods and services in a cost-effective manner, within reasonable or required time frames, while promoting and maintaining fair and open competition in the public procurement process. This regulation establishes effective management oversight of the University's procurement process in order to comply with federal and state laws, rules and regulations, to reduce the appearance and opportunity for favoritism, and to preserve the integrity and reputation of the University with regard to procurement and contracting.

(2) Purpose. These regulations implement the University's delegated authority from the University Board of Trustees with respect to the powers, duties and functions of the university's procurement jurisdiction consistent with Florida Board of Governor's Regulation 18.001

(3) Application. These regulations shall apply to all expenditures of funds on deposit with Florida State University involving a purchase, regardless of their source, including federal assistance monies, except as otherwise specified herein, and may be applied to transactions that do not involve a purchase including revenue generating contracts such as food service, bookstore, or vending, when it is in the best interests of the University.

(4) Procurement Organization

(a) The University Board of Trustees. By this regulation, the Board of Trustees exercises their authority to establish a system and process to coordinate procurement policies, procedures, and practices to be used in acquiring commodities and contractual services required by the University.

(b) The University President. As chief administrative officer of the University, the President has the responsibility to implement the University's procurement authority as consistent with the regulations of the Florida Board of Governors and University Board of Trustees. The President has delegated authority to

approve, execute and administer contracts for and on behalf of the University Board of Trustees for licenses; the acquisition or provision of commodities, goods, equipment and services; to acquire real property and contract for the sale and disposal of same; leases of real estate and personal property and planning and construction to be rendered to or by the University provided such contracts are within the law and the regulations, rules and policies of the Florida Board of Governors and the University Board of Trustees. The President may delegate all or any portion of such authority, which is not required by law or regulation to be exercised personally, to any employee of the University in the interest of the efficient and effective operation of the University.

(5) Delegation of Procurement Authority

(a) Duties and Powers. The Chief Procurement Officer is delegated authority to exercise the powers, duties and functions pertaining to the procurement of commodities and contractual services or which are assigned specifically to that position.

(b) The Chief Procurement Officer may delegate to the Procurement Services department staff such portions of those powers, duties and functions as deemed appropriate.

(c) Additional Procurement Delegation. Departments' delegated authority to make purchases of commodities and services for their respective area is limited to the following: Food purchased for the cafeteria at the Florida State University Schools; books and periodicals purchased by University libraries, and construction and construction related purchases by the Facilities Department. Any such purchases shall be processed by the appropriate University department in full compliance with this regulation. References in this regulation to the procurement department shall include all offices delegated procurement authority under this regulation. References in this regulation to the duties and responsibilities of the Procurement Director shall apply to the director or department head of all areas with delegated procurement authority, regardless of title, however, shall not include those powers and duties delegated and granted here to the Chief Procurement Officer,

who is head of the Procurement Services Department.

(d) Purchase of Private Attorney Services. Written approval from the Attorney General is not required for private attorney services acquired by the University; however, University General Counsel approval must be obtained.

(e) Purchase of Insurance. The University has the authority to purchase insurance as deemed necessary and appropriate for the operation and educational mission of the University. Examples of insurance coverage that may be acquired by the University include:

1. Physical damage on vehicles and boats;
2. Inland marine on property owned, leased, or loaned to or by the University;
3. Building and property damage;
4. Equipment losses due to theft;
5. Equipment subject to transportation;
6. Loss of rental income;
7. Commercial general liability insurance for scientific equipment;
8. Excess general liability coverage;

(6) Duties and Authority of the Chief Procurement Officer

(a) Canvass sources of supply, and contract for the purchase or lease of all commodities and contractual services for the University, in any manner, including, reverse auctions and purchase by installment- or lease-purchase contracts.

(b) Remove any contractor from the University's competitive solicitation or supplier list that fails to respond to one (1) or more competitive solicitations or to fulfill any of its duties specified in a contract with the University and to reinstate any such

contractor when satisfied that further instances of default will not occur. A “No Bid” or similar response is considered a response under this section.

(c) Plan and coordinating purchases, including volume purchases; and negotiating and executing agreements and contracts for commodities and contractual services for use by all University departments.

(d) Develop an Annual Certification List to serve as a waiver of the competitive solicitation requirement for commodities/services that are frequently purchased and are available from a single source.

(e) Evaluate, approve and use contracts that are entered into after a public and open competitive solicitation established by any State of Florida agency or department, the Federal Government, other states, political subdivisions, cooperatives or consortia or any independent college or university for the procurement of commodities and contractual services, when it is determined to be cost-effective and in the best interest of the University to make purchases under contracts established by such other entities. Consortia and cooperative contracts should be reviewed to identify potential savings, and, if there is the potential for savings, enter into new consortia and cooperative contracts to achieve the savings, with the goal of achieving a five-percent savings on existing contract prices. Contracts so approved are not subject to additional competitive solicitation requirements.

(f) Award contracts for commodities and contractual services to multiple suppliers, if it is determined to be in the best interest of the University. Such awards may be on a university, regional or multiple state university-wide basis and the contracts may be for multiple years.

(7) Source Selection and Contract Formation for Commodities and Contractual Services.

(a) Competitive Solicitation Required. The Procurement Director shall be responsible for ensuring that all contracts for the purchase of commodities or contractual services exceeding the maximum competitive solicitation limit established in Board of Governors Regulation 18.001, (currently \$75,000), are

awarded pursuant to a competitive solicitation, unless otherwise authorized herein or by other applicable law. The purchase of commodities and contractual services shall not be divided to avoid the requirement of competitive solicitation.

(b) Public Notice. The Procurement Director, or a designee, shall determine the method of public notice to be used in each case of a competitive solicitation based on the nature and quantity of the commodities, contractual services, or construction sought and the availability and extent of competitive solicitation lists. Posting of competitive solicitations on a Procurement Department website constitutes public advertising.

(c) Receipt of Responses. Competitive solicitation responses shall be delivered, including electronically, as directed in the competitive solicitation to the appropriate Procurement Department, or as otherwise directed in the competitive solicitation document, at or prior to the date and time specified in the competitive solicitation. Only responses that are delivered to that specific location shall be considered. It is the responder's responsibility to assure that their response is delivered at the proper time and place. If the competitive solicitation is not administered through an electronic sourcing solution, the clock in the Reception area of the Procurement Services Department is designated as the official timepiece for purposes of determining whether a response is received in Procurement Services by the appointed date and hour. Otherwise, the official timepiece is dependent upon the built-in functionality of the electronic sourcing solution. Any individual university Procurement departments with delegated procurement authority may designate an alternate timepiece.

1. Prior to the time a competitive solicitation response is opened, the Procurement Director, or a designee, may change or correct the terms, conditions or specifications by issuing an addendum to all known recipients of the competitive solicitation.

2. A responder to a competitive solicitation may withdraw or correct a response prior to the time that the competitive solicitation response is opened. Any

alteration or correction to a response must be in writing and signed or approved electronically, by an authorized representative of the firm who signed the original response.

3. The Procurement Director, or a designee, will permit the withdrawal of a competitive solicitation response for good cause if requested in writing within seventy-two (72) hours of the competitive solicitation response opening and prior to final award of the purchase order being issued. Good cause shall include illegality, impossibility of performance, or a clear and inadvertent error in the response preparation, but shall not include a responder's lack of profitability or financial loss resulting from the competitive solicitation. Neither modification nor withdrawal will be permitted at any time if the result of such action is prejudicial to the fairness of the competitive procurement process or a monetary or educational interest of the University.

(d) Competitive Solicitation Evaluation. Responses to a competitive solicitation shall be evaluated based on the requirements set forth in the competitive solicitation. The requirements of the competitive solicitation include but are not limited to criteria such as price, inspection, samples, quality, testing, workmanship, convenience, experience, delivery and suitability for a particular purpose. Those criteria that affect the price shall be objectively measured to the extent practicable. In cases where more than one commodity or contractual service is listed on a response to a competitive solicitation, the University is not required to consider all alternates or options, nor do they have to be considered in sequence.

(e) Right to Reject Competitive Solicitation Responses and Waive Minor Irregularities. The University reserves the right to reject any and all responses to a competitive solicitation. The University also reserves the right to waive minor irregularities in an otherwise valid response. A minor irregularity is a variation from the competitive solicitation terms and conditions, which does not affect the price offered, or give the responder an advantage or benefit not enjoyed by other responders or does not adversely impact the business or educational interests of the University. The University shall correct mistakes clearly evident on the face of a response, such as an error in arithmetic or extension of pricing. In the

case of extension errors, calculations based upon multiples of the unit price, the unit price shall prevail.

(f) Receipt of Fewer Than Two Responsive Offers to a Competitive Solicitation. When fewer than two responsive offers are received in response to a competitive solicitation exceeding the competitive solicitation threshold, the Procurement Director, or a designee, shall review the circumstances surrounding the solicitation to determine if a second call for a competitive solicitation is in the best interest of the University. If it is determined that a second competitive solicitation is not in the best interests of the University, the University may proceed with the acquisition based on the one responsive offer received or may proceed to negotiate with any other possible source including the sole responder.

(g) Preferences for Florida-Based Suppliers.

1. Preferences for Personal Property. When a University awards a contract to purchase personal property, other than printing, by competitive solicitation a preference shall be provided to suppliers with a principal place of business in Florida (“Resident Suppliers”) as follows:

a. If the responsible and responsive supplier who submits the lowest bid, the most advantageous proposal, or the best value and is one whose principal place of business is outside of Florida and whose state or political subdivision grants a preference for the same purchase to a local supplier then the University shall grant that same preference to the lowest or best responsible and responsive Resident Supplier.

b. With respect to Invitations to Bid, if the lowest responsible and responsive bid is from a supplier whose principal place of business is in a state that does not grant a preference for the purchase to a supplier in such state, then the University shall grant a preference in the amount of five percent (5%) to the lowest responsible and responsive Resident Supplier.

c. For suppliers whose principal place of business is outside of Florida, such suppliers must, at the time of submitting its bid, proposal or reply, provide a written

opinion from a licensed attorney in its state specifying: (a) the preferences(s) granted by the state or political subdivision, as applicable, under the laws of that state to suppliers whose principal place of business is in that state or political subdivision; and (b) how the preference is calculated. The failure to submit the written opinion may be waived as non-material if all suppliers responding to the solicitation have principal places of business outside of Florida.

d. The supplier's principal place of business, as represented by the supplier in its bid or reply, may be relied upon by the University without further inquiry. If the University determines that a supplier has misrepresented its principal place of business, the supplier's bid, proposal or reply shall be rejected.

e. For the purpose of paragraph (g) 1., "personal property" shall be defined as goods and commodities, but not real estate, intellectual property or services.

2. Preferences for Printing. When a University purchase printed materials by competitive solicitation, a preference shall be provided to Resident Suppliers as follows:

a. If the lowest responsible and responsive bid received pursuant to an Invitation to Bid is from a supplier whose principal place of business is outside of Florida, then the University shall grant a preference to the lowest responsible and responsive Resident Supplier in the amount of five percent (5%) if the University has determined that the printing can be performed by the Resident Suppliers at a level of quality comparable to that obtainable from the supplier submitting the lowest bid whose principal place of business is outside of Florida.

For purposes of subparagraph (g) 2.a. the level of quality shall be determined by whether a supplier satisfies the minimum specification requirements as set forth in the Invitation to Bid.

3. Method of Calculating Five Percent Preference. If the competitive solicitation is an Invitation to Bid, then an amount equal to five percent (5%) of the total base bid and any alternates shall be deducted from the base bid and alternates, as

applicable, of the lowest responsible and responsive Resident Supplier's bid.

4. Determining a Supplier's Principal Place of Business. A supplier's "principal place of business" is determined as follows:

a. If the supplier is an individual or a sole proprietorship, then its "principal place of business" is in the state where the supplier's primary residence is located.

b. If the supplier is a business organization, then its "principal place of business" is in the state where the majority of the supplier's executive officers direct the management of the supplier's business affairs.

5. Federally Funded Projects. Purchases made to perform specific obligations under federally funded projects shall not be subject to this preference requirement to the extent the application of a preference is not allowed under applicable federal law or regulation.

6. If no preference exists or where after application of the preference here, two or more responses are equal in every respect, the University will use a toss of a coin to select the successful response.

(h) Purchases from Contractors Convicted of Public Entity Crimes. The University shall not accept a competitive solicitation from, or purchase commodities or contractual services from, a person or affiliate who has been convicted of a public entity crime and has been placed on the State of Florida's convicted supplier list for a period of 36 months from the date of being added to the convicted supplier list.

(i) Competitive Solicitation Notice of Award. After evaluating the responses to a competitive solicitation, the Procurement Director, or a designee, shall make a determination as to the successful response based on the method of award contained in the competitive solicitation. A notice of award shall be posted electronically by posting a Competitive Solicitation Tabulation Sheet, or other appropriate document, on the Web Site of the Procurement department that issued the competitive solicitation, on the date and time listed in the competitive solicitation or as soon as reasonably possible after the responses are evaluated. The Competitive

Solicitation Tabulation Sheet shall contain the competitive solicitation name, the name of each responder including those whose responses were rejected and the dollar amount(s) of each response, the date and hour that it was posted and the date and hour that the posting period ends. The Notice of Award Web Site shall be maintained by each department with delegated procurement responsibility and shall be available for public inspection at all times during regular University business hours. Any person who is adversely affected by the University's decision or intended decision regarding a competitive solicitation shall file in writing a protest which shall be received in the procurement department responsible for issuing the competitive solicitation before the end of the 72-hour posting period shown on the Notice of Award, or within 72 hours after the protestant received actual notice by other delivery of the decision, whichever occurs first. The 72-hour period excludes the hours in weekends and University holidays. Weekends are deemed to begin at 5 PM on Friday and end at 8 AM on Monday. Holidays are deemed to begin at 5 PM at the end of regular workday before the holiday or 8 AM after a Sunday if the holiday begins on a Monday and end at 8 AM on the next regular University workday. Posting of the proposed Notice of Award does not establish a contract between the University and the proposed supplier.

(j) The following shall apply to every solicitation for the procurement of commodities or contractual services: "Respondents to this solicitation or persons acting on their behalf shall not contact any employee or officer of the Florida State University Board of Trustees, a University Direct Support Organization, or The Florida State University concerning any aspect of this solicitation, except in writing to the Chief Procurement Officer or as provided in this solicitation document, from the date of release of this solicitation through the end of the 72-hour period following the University's posting of the notice of intended award, in accordance with BOG Regulation 18.002. Violation of this provision may be grounds for rejecting a response."

(8) Competitive Solicitation Registration. Individuals and businesses shall register with the University's Procurement Services department to receive competitive solicitations, a contract or a purchase order from the Central procurement department. The University does not guarantee that a business will receive notice of a competitive solicitation for a particular commodity or contractual service for which they have registered as a supplier and are responsible for monitoring

posted notices which interest them. The opportunity to participate in a competitive solicitation is a privilege not a right.

(9) Procurement actions that are not subject to the competitive solicitation process include:

(a) Emergency Purchases. When the President, or a designee, determines in writing that a condition exists that threatens the health or safety of person(s) or animal(s) or the preservation or protection of property or the continuance of a vital University function, the University will proceed with an emergency purchase without a competitive solicitation. Due to the critical nature of the procurement, emergency purchases do not require that the action be posted in the Notice of Award Web Site for 72 hours. An emergency purchase shall be limited to the purchase of only the type of items and quantities that are required for a time period sufficient to relieve the immediate threat and shall not be used to meet long-term requirements.

(b) Sole Source Purchases. Commodities or contractual services available from a single source shall be exempted from the competitive solicitation process. A sole source document shall be publicly posted in the Notice of Award Web Site for 72 hours, unless the sole source is covered under the annual certification list provided in (6)(d).

(c) Construction Direct Purchase Program. Commodities to be incorporated into any public work (as that term is defined in Fla. Admin. Code R. 12A-1.094 as authorized under Section 212.08(6), F.S. [tax-exempt purchase] which are procured by the University in accordance with the requirements of the University's direct purchase program are not subject to any further competitive solicitation.

(d) Commodities and contractual services that are exempt from the competitive solicitation process include:

1. Artistic services;
2. Academic reviews;
3. Lectures;

4. Auditing services;
5. Legal services, including attorney, paralegal, expert witness, appraisal, arbitrator or mediator services;
6. Health services involving examination, diagnosis, treatment, prevention, medical consultation or administration. Prescriptive assistive devices for medical, developmental or vocational rehabilitation including, but not limited to prosthetics, esthetics, and wheelchairs, provided the devices are purchased on the basis of an established fee schedule or by a method that ensures the best price, taking into consideration the needs of the client;
7. Training and education services for University employees;
8. Advertising, except for media placement services;
9. Services or commodities provided by governmental agencies, another University in the State University System, direct support organizations of the university, cooperatives or consortia, political subdivisions or independent colleges and universities
10. Goods or services purchased with auxiliary funds authorized for such purchases, in direct support of specific programs, conferences, workshops, or continuing education events offered to the general public, for which fees have been collected to pay all expenses associated with the program or event;
11. Purchases from firms or individuals who are prescribed by state or federal law or specified by a granting agency;
12. Regulated utilities and government-franchised services;
13. Regulated public communications, except long distance telecommunications services or facilities;
14. Purchases from the Annual Certification List provided in (6) (d)

15. Purchases for resale to the public.

16. Accounting Services

17. Implementation/programming/training services available only from the owner of copyrighted software or its contracted supplier; and

18. Purchases of materials, supplies, equipment, or services for research purposes when the Vice President for research, or a designee, certifies that, in a particular instance, it is necessary for the efficient or expeditious prosecution of a research project.

19. Contracts or services provided by not-for-profit support and affiliate organizations of the University, direct support organizations, health support organizations, and faculty practice plans.

(10) Suppliers Excluded from Competition. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, projects or programs for future implementation, or competitive solicitation documents, shall be excluded from competing for such procurements.

(11) Standard of Conduct

(a) It shall be a breach of ethical standards for any employee of the University or member of the University Board of Trustees to accept, solicit, or agree to accept a gratuity of any kind, form or type in connection with any contract for commodities or services. It shall also be a breach of ethical standards for any potential contractor to offer an employee of the University a gratuity of any kind, form or type to influence the development of a contract or potential contract for commodities or services.

(b) It shall be a breach of ethical standards for any employee to participate in the selection, award, or administration of a contract if a real or apparent conflict of interest would be involved. Such a conflict would arise when the employee, officer, or agent, any member of his immediate family, his or her partner, or an organization

which employs or is about to employ any of the parties indicated herein, has a financial or other interest in the firm selected for an award.

(12) Bonding Requirements

(a) Solicitation Security. A certified, cashier's or treasurer's check, bank draft, bank official check or bid bond may be required as a condition for participating in a competitive solicitation.

(b) Payment and Performance Bonds.

1. Any contractor contracting with the University to provide commodities, services or commodities which include installation, may be required to furnish a payment and performance bond, with good and sufficient securities, to the University prior to the issuance of the contract as pursuant to BOG Regulation 18.003.

2. The bond or security must be in an amount equal to 100% of the responses submitted to the competitive solicitation.

3. Competitive Solicitation Protest Bond. Any contractor that files an action pursuant to BOG Regulation 18.002, protesting a decision or intended decision pertaining to a solicitation, shall at the time of filing of the formal protest, post with the University, a bond payable to the University in an amount equal to: 10% of the estimated value of the protestor's competitive solicitation response; 10% of the estimated expenditure during the contract term; \$10,000; or whichever is less. The bond shall be conditioned upon the payment of all costs which may be adjudged against the contractor filing the protest action. In lieu of a bond, the University will accept a cashier's check or money order in the amount of the bond. Failure of the protesting contractor to file the required bond, cashier's check or money order at the time of filing the formal protest shall result in the denial of the protest.

(13) Contract Formation

(a) Contracts for the purchase of commodities or contractual services or

licenses shall consist of a purchase order or a purchase order and bilateral agreement [an individual written contract in addition to the purchase order] signed by the President of the University, or a designee who has been granted power of attorney through the University President, prior to the goods or services being ordered, contracted for, or rendered by the contractor.

(b) Any contract for the purchase of services or tangible personal property for a period in excess of one fiscal year shall include the following statement: "The State of Florida's and University's performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature."

(c) The extension of a contract granted to extend the time to complete the contract shall be in writing signed by the Chief Procurement Officer. Contract extension shall not cause the University to incur additional costs. The contract extension shall be signed by both parties if a bilateral agreement and a purchase order were issued and shall be subject to the same terms and conditions set forth in the initial contract for up to twelve months or until completion of the competitive solicitation and award or protest, whichever is longer.

(d) A contract may contain provisions for renewal. If the commodity or contractual service is purchased as a result of a competitive solicitation, all contemplated renewal periods must be included in the competitive solicitation, and evaluated as part of the award evaluation process, including a cost algorithm to determine the cost to the university during renewal periods. Renewal(s) of a contract may not exceed 5 years or twice the term of the original contract, whichever is longer. This provision is not intended to apply retroactively; existing contracts entered into prior to January 1, 2017, including any specified renewal period(s) may continue in accordance with existing contract terms.

(e) The President, or a designee, shall have the authority to enter into deferred payment agreements, in accordance with Board of Governors debt policies. The University may utilize the State of Florida Department of Financial Services Consolidated Equipment Financing Program if it is deemed advantageous. When the

Consolidated Equipment Financing Program is used, the University will submit the contract to the Department of Financial Services for the purpose of pre-audit review and approval prior to acceptance. No such agreement shall establish a debt of the State or shall be applied to the faith and credit of the State; nor shall any agreement be a liability or obligation of the State except from appropriated funds.

(f) In order to promote cost-effective procurement of commodities and contractual services, the University may enter into contracts that limit the liability of a supplier consistent with Section 672.719, F.S. and consistent with the lawful limits of state sovereign immunity.

(g) The total value of the contract shall be the purchase price for the initial term plus all renewal costs.

(14) Authority to Suspend or Debar a Business.

The Chief Procurement Officer shall remove a business from the University's authorized supplier or competitive solicitation list and reject all responses offered by that business in the event the business's performance through acts of omission or commission results in any of the following grounds, when it is determined to be in the best interest of the University, including but not limited to:

(a) Failure to respond to a competitive solicitation without giving a justifiable reason for such failure.

(b) Failure to make timely delivery or fully comply with the pricing, terms, conditions, or specifications, on any one contract or purchase order;

(c) Any attempt to influence a purchase, specification, award, or other pertinent factor, in violation of this Regulation and BOG Regulation 18.001.

(d) Being charged or convicted before a court of competent jurisdiction with committing a fraud, misdemeanor or felony in connection with the business's commercial enterprise. If charges are dismissed, the owner of the business is found not guilty, or the guilty verdict is reversed through the appellate process, the business is found not guilty, or the guilty verdict is reversed through the appellate process, the suspension shall be lifted immediately upon notification by the business.

(e) Bankruptcy.

(f) Continuing to supply commodities or contractual services before receiving a purchase order or after receiving a notice not to supply commodities or contractual services without first receiving an official Florida State University purchase order signed by the Procurement Director.

(g) Failure or refusal to use any of the university's automated procurement and payment processes when instructed to do so, including but not limited to the on-line submission of responses to requests for quotations, competitive solicitations, or invoices.

(15) Default

(a) Suppliers who fail to make delivery or perform in accordance with the conditions, specifications, drawings or terms and conditions of a purchase order or contract shall be notified in writing, stating the nature of their failure to perform and provide a time certain for correcting the failure. Reasonable time for correcting the failure should not be generally less than ten (10) calendar days after receipt of such notice by the supplier, except in case of a documented emergency. The notification shall also provide that should the supplier fail to perform within the time provided, that: It will be in default; it will be removed from the University's supplier and competitive solicitation lists; and the University will re-procure the commodity or service from another source, which will obligate the supplier to pay all re-procurement costs and costs for cover.

(b) Unless the supplier corrects its failure to perform within the time provided, or unless the University determines based on its own investigation that the supplier's failure is legally excusable, the supplier shall be found in default and issued a second notice stating the reasons the supplier is considered in default and stating that the University has re-procured the commodity or service and the amount of the procurement and the cover cost. The University shall also advise the defaulting supplier that the supplier has been removed from the supplier and competitive procurement lists pursuant to this regulation and will not be eligible to submit a

competitive solicitation or be awarded a contract until such time as the University is reimbursed for all re- procurement costs and for costs of cover. The defaulting supplier also shall be advised of the right to protest and shall follow the protest procedures provided BOG Regulation 18.002.

(c) The Procurement Director shall determine the method for re-procurement of commodities or contractual services as the best interests of the University require.

(d) The University may issue a second competitive solicitation or purchase on the open market if a substantially similar procurement is not accomplished under (c) above. until such time as the supplier reimburses the University for all re-procurement and cover costs, the defaulting supplier shall not be reinstated on the University's competitive solicitation list and shall not be eligible for any type of purchase order or contract with the University.

(e) All correspondence to suppliers respecting failure to perform shall be sent by certified mail, return receipt requested or documented courier delivery service. The foregoing provisions do not limit or exclude the University's remedies at law.

(16) Protested Solicitations and Awards. Protests arising from all University contract procurement processes for the purchase of goods, services, leases and for construction-related competitive solicitations shall be handled in accordance with BOG Regulation 18.002.

(17) Purchase of Motor Vehicles.

(a) The University has authority to:

1. Establish standard classes of motor vehicles to be leased, purchased or used by University personnel;
2. Obtain the most effective and efficient use of motor vehicles for university purposes;
3. Establish and operate facilities for the acquisition, disposal, operation,

maintenance, repair, storage, control and regulation of University-owned motor vehicles. Acquisition may be by purchase, lease, installment-purchase, loan or by any other legal means and may include a trade-in. All motor vehicles purchased or leased shall be of a class that will safely transport University personnel and adequately meet the requirements of the University;

4. Contract for specialized maintenance services.

(b) Motor vehicles owned, leased or operated by the University shall be for official University business only.

(18) Definitions.

(a) Artistic Services. Services provided by an individual or group of individuals who profess and practice a skill in the area of music, dance, drama, folk art, creative writing, painting, sculpture, bronze, photography, antique or period furniture reproduction or restoration, graphic arts, website design, craft arts, industrial design, costume design, fashion design, motion pictures, television, radio or tape and sound recording or in any other related field, as determined by the Chief Procurement Officer. Web design shall not include website hosting, maintenance, or and computer-related services; only the portion of the design meeting the definition of an artist shall be exempt. If artistic web design cannot be separated from the non-artistic portion of the purchase, the artistic exemption shall not apply.

(b) Business. Any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture or any other private legal entity.

(c) Commodity. Supplies, materials, goods, merchandise, food, equipment or other personal property, including a mobile home, trailer or other portable structure, which are purchased, leased, lease-purchased or otherwise contracted for by the University. "Commodity" also includes interest on deferred-payment contracts entered into by the University for the purchase of other commodities. Printing of publications and photocopying shall be considered a "commodity." Software license agreements shall be considered a "commodity."

(d) Competitive Negotiation. The establishment of a contract through deliberation, discussion or conference on the specifications, terms and conditions of a

proposed agreement.

(e) Competitive Solicitation. An Invitation to Bid, Request for Proposal or Invitation to Negotiate issued by a procurement department with delegated authority as specified in this regulation to select a contractor.

(f) Contract. Document issued by the procurement department, including purchase orders and bi-lateral agreements, regardless of their designation.

(g) Contractual Service. The rendering by a contractor of its time and effort rather than the furnishing of specific commodities. The term applies only to those services rendered by individuals and firms who are independent contractors.

~~“Contractual service” does not include labor or materials or selection of professional services for the construction, renovation, repair, maintenance or demolition of facilities or grounds.~~

(h) Cover. The difference between the cost to procure substitute commodities or services and the contract price for such commodities or services.

(i) Department. Any Florida State University college, school, department, principal investigator, club, organization or other budget entity assigned a departmental account by the University.

(j) Extension. An increase in the time allowed for the contract period.

(k) Independent Contractor -- A person or firm who provides a service to the University, but does not have any employment or other relationship or connection with the University as provided in s. 112.313, F.S.

(l) Invitation to Bid. A solicitation for competitive bids issued by the procurement department, including reverse auctions, with the title, date, and hour of the public bid opening designated and the commodity, group of commodities or services defined.

(m) Invitation to Negotiate. An invitation extended to prospective suppliers or contractors by the University, whether by advertisement, written solicitation, electronic media or any other form of communication, to define the specifications, terms and conditions of a contract for commodities or contractual services. An

Invitation to Negotiate shall be awarded as the best interests of the University indicate and does not require numeric scoring. Cost may not be a consideration in the initial stages of negotiating.

(n) Minority Business Enterprise. A business concern as defined in s. 288.703(2), F.S.

(o) Mutuality of Management. That circumstance wherein two or more businesses are owned or managed by the same person or persons. Mutually managed businesses shall submit only one response to a competitive solicitation. The Procurement Director may reject all responses from mutually managed businesses submitting more than one response to a competitive solicitation. If more than one response is submitted and subsequently evaluated, only the response with the lowest cost or score shall be considered in determining an award.

(p) Person. Shall have the meaning provided in s. 1.01 (3), Florida Statutes.

(q) President. The chief executive officer of the University, responsible for its operation and administration.

(r) Public Entity Crime -- A violation of any state or federal law by a person in the transaction of business with any public entity of any state or with the United States government involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy or material misrepresentation.

(s) Purchase. an acquisition of commodities or services obtained by purchase order or contract whether by rent, lease, installment- or lease-purchase, outright purchase, or license.

(t) Purchases for Resale. the purchase of commodities or contractual services acquired for selling them to the public. Purchases of commodities or contractual services acquired for resale or transfer of ownership to other University departments are not purchases for resale.

(u) Procurement Services. also known as Central Procurement; the

department with primary procurement responsibilities at the University.

(v) Renewal. Contracting with the same contractor for an additional period after the initial contract term provided the original terms of the agreement specify an option to renew.

(w) Request for Proposal. A written solicitation issued by the Procurement department for competitive proposals for commodities or contractual services with the title, date, and hour of the public opening designated. A request for proposals may be used when the scope of work is not clearly defined, or cost is not the primary consideration.

(x) Responder. A person or business that has submitted a bid, proposal response or an offer to negotiate, as the result of a competitive solicitation.

(y) Response. A bid, proposal or offer to negotiate submitted as a result of a competitive solicitation that designates the title, date and time of the public opening. The response shall be submitted in accordance with instructions provided in the competitive solicitation prescribing all general and special conditions.

(z) Responsible supplier or responder. Individuals or businesses that possess the ability to perform successfully under the terms and conditions of the proposed purchase.

(aa) Responsive offer. A response from a responsible responder that complies in every respect with the terms, conditions and specifications of a competitive solicitation.

(bb) Request for Quotation. A written or oral request issued by the Procurement department to one or more suppliers to provide pricing on specified commodities or contractual services when the total costs, including all renewal options, is less than the competitive solicitation threshold. Requests for Quotations are not subject to the electronic posting requirements of BOG 18.002.

(cc) Specifications.

1. A clear and accurate description of the technical requirements, including the

range of acceptable characteristics or minimum acceptable standards, for the material, product, or service to be purchased. In competitive solicitations, such specification shall not contain features which unduly restrict competition.

2. The specific features of “brand name or equal” descriptions that responders are required to meet when such items are included in a competitive solicitation.

3. A clear and accurate description of the physical, performance or functional characteristics of a commodity or contractual services. It may include plans, drawings, samples or a description of any requirement for inspection, testing or preparing a commodity or contractual service for delivery.

(dd) Term Contract. An indefinite quantity contract for the purchase of commodities or contractual services during a prescribed period of time.

(ee) Vehicle. This term includes any automobile, airplane, truck, mobile construction equipment, golf cart, tractor, watercraft or other vehicle.

(ff) Supplier. A person or business that has received a duly executed purchase order or purchase order and contract from the University.

Specific Authority BOG Regulation 1.001(3) (j), (7) (b) Law Implemented 112.313, 283.33, 672.719, 1004.22(7) FS. History--New 5-20-24