

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

DATE: April 2, 2009

REGULATION NUMBER AND TITLE: 21.211 Capital Improvement Element.

SUMMARY: An advisory group has worked over the past year with the Florida Conflict Resolution Consortium to revise and update the Board of Governor Master Planning Regulations. The group is composed of university, local government and community representatives.

The draft document has been circulated as well as posted on the Board of Governor's website, with the goal of soliciting comments and feedback. These revisions were presented at the March 26, 2009 Board of Governors meeting for public notice purposes; and if approved, will be presented for final approval in June 2009.

FULL TEXT OF THE REGULATION IS INCLUDED WITH THIS NOTICE.

AUTHORITY TO AMEND REGULATION(S): Section 7(d), Art. IX, Fla. Const.; BOG Regulation Development Procedure dated March 23, 2006.

THE BOARD OF GOVERNORS' OFFICIAL INITIATING THE PROPOSED AMENDMENT TO THE REGULATION: Chris Kinsley, Director, Finance & Facilities

COMMENTS REGARDING THE PROPOSED AMENDMENT SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation on which you are commenting:

Chris Kinsley, Director, Finance & Facilities, Board of Governors, State University System, 325 W. Gaines Street, Suite 1652, Tallahassee, Florida 32399, (850) 245-9677 (phone), (850) 245-9685 (fax), or Chris.Kinsley@flbog.edu

21.211 Capital Improvement Element

~~The purpose of This element is to evaluate the need for public facilities as identified in other campus master plan elements; to estimate the cost of improvements for which the university has fiscal responsibility; to analyze the fiscal capability of the university to finance and construct improvements; to adopt financial policies to guide the funding of improvements; and to schedule the funding and construction of improvements in a manner necessary to ensure that capital improvements are provided when required based on needs identified in the other campus master plan elements. All development is contingent upon the availability of funding.~~

~~(1) CAPITAL IMPROVEMENTS DATA AND ANALYSIS REQUIREMENTS.~~

~~This element shall be based on the following data and analysis requirements, pursuant to subsection 6C-21.2023(2), F.A.C.~~

~~(a) The element shall be based on the facility needs as identified in the other elements and shall support the future needs as identified in the future land use element.~~

~~(b) An inventory of existing and anticipated revenue sources and funding mechanisms available for capital improvement financing, such as ad valorem funds, state funds, federal funds, bonds, impact fees, gas tax, etc.~~

~~(c) An inventory of operations and maintenance costs for existing facilities.~~

~~(2) CAPITAL IMPROVEMENTS ANALYSIS REQUIREMENTS. The element shall be based on the following analyses which support the campus master plan pursuant to subsection 6C-21.2023(2), F.A.C.~~

~~(a) An analysis of current university practices that guide the timing and location of construction, extensions or increases in the capacity of university facilities.~~

~~(b) An estimate of the cost of each of the on-campus capital improvements identified in the other plan elements, including consideration of inflation factors and the relative priority of need ranking.~~

~~(c) An estimate of the cost of future capital improvements that may be required off the university campus to support the future infrastructure and traffic functions of the university.~~

~~(d) A description of the basis of the cost estimates.~~

~~(e) An assessment of the university's ability to finance capital improvements.~~

~~(f) An analysis comparing the host community's and university's cost estimates for future improvements generated by university infrastructure impacts.~~

~~(a) The element shall be based on the facility needs as identified in the other elements and shall support the future needs as identified in the future land use element; however, all capital improvements identified in this section shall be considered contingent on funding becoming available.~~

~~(b) Inventory and assess existing and anticipated revenue sources and funding mechanisms available for capital improvement financing, such as ad valorem funds, state funds, federal funds, bonds, impact fees, gas tax, etc.~~

~~(c) Inventory and assess the cost of future capital improvements identified in the other plan elements. This analysis must consider inflation factors, the relative priority of need ranking, and university practices that guide the timing and location of construction, extensions or increases in the capacity of university facilities. This analysis should include the cost of capital improvements both on-campus and off-campus within the planning study area. The analysis for off-campus capital improvements within the planning study area must also compare the host and/or affected local governments and university cost estimates for~~

future improvements generated by university infrastructure impacts.

(d) Inventory and assess operations and maintenance costs for existing facilities.

~~(2)(3)~~ REQUIREMENTS FOR CAPITAL IMPROVEMENTS GOALS, OBJECTIVES AND POLICIES.

(a) The element shall contain one or more goal statements which establish the long-term end for the timely and efficient provision of capital facilities through the use of sound fiscal policies.

(b) The element shall contain one or more objectives for each goal and shall address:

1. The coordination of land use decisions and available or projected fiscal resources with a schedule of capital improvements which maintains level of service standards as adopted in the campus master plan and meets existing and projected facility needs;

2. The demonstration of the university's ability to provide or require provision of the needed improvements identified in the other elements and to manage the expansion or improvement process so that facility needs do not exceed the ability of the university to fund and provide provision of the needed capital improvements; and

3. The use of the capital improvements element as a means to meet the needs of the university for the construction of capital facilities to correct existing deficiencies, to accommodate desired future growth, and to replace worn-out or obsolete facilities.

(c) The element shall contain one or more policies for each objective which address programs and activities for:

1. The establishment of criteria used to evaluate and prioritize capital improvement projects;

2. Provisions for the replacement and renewal of capital facilities;

3. Provisions for the availability of facilities and services needed to support facility construction, expansion or improvement concurrent with the impacts of such construction, expansion or improvement subsequent to the adoption of the master plan;

4. Provisions for the adoption of the capital budget as part of the annual budgeting process to include provisions which are consistent with the campus development agreement; and

5. Provisions for programming the future facility costs to include the cost of the site improvements, utility extensions and associated easements, parking, traffic circulation improvements, etc., necessary for the proper function of the individual facility and to include the cost of facilities necessary to support future capacity requirements.

~~(3)(4)~~ CAPITAL IMPROVEMENTS IMPLEMENTATION.

(a) The campus master plan capital improvement element shall contain:

1. The schedule of capital improvements for which the university has fiscal responsibility, by year; ~~(for the 3-year committed, for the provisions consistent with the campus development agreement, and 10-year projected improvements;)~~ which shall reflect the need to reduce existing deficiencies, remain abreast of replacements, and meet future demand; and

2. A list of projected costs and revenues by type of facility for the planning period, by year.

~~Specific Authority 240.209(1), (3)(q), 240.155(22) FS. Law Implemented 240.155(3) FS. History New 2-15-94.~~

