

CHAPTER FSU-2 ADMINISTRATIVE MATTERS

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FSU-2.004 University Attorney.

All persons within departments or divisions with potential legal problems, including contract documents and the like, must forward such problems to the attention of the respective central administrative officer and not directly to the University Attorney's Office. Matters calling for possible legal advice or assistance may be reviewed and presented to the Office of the University Attorney by only central administrative officers of the University. Situations necessitating the coordinating of projects or programs among several persons other than the Office of the University Attorney will continue to be respected, assuming that only the appropriate central administrative officer shall be primarily responsible for coordinating such matters with that office.

Specific Authority BOG Regulation 1.001(3)(j) ; Reg. Procedure July 21, 2005. Law Implemented 10041.74(1),(2),(4)FS. History--New 9-30-75, Formerly 6C2-2.04.

FSU-2.007 Use of Campus 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 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 and facilities to members of the University community or to the general public subject to the provisions outlined within this regulation.

(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 recognized by the University; officially constituted colleges, schools, divisions, departments, agencies; 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 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 Professional Development and Public Services please refer to Regulation FSU-5.090, Center for Professional Development and Public Service, a subset of FSU Regulations, Chapter 5, Academic Matters.

(g) “Outdoor Areas of the Campus Subject to Regulation.” Outdoor areas on the campus are classified as follows and are subject to use only in accordance with this regulation:

1. Academic areas. Outdoor areas immediately adjacent to classrooms, libraries, laboratories, auditoria, and research facilities.

2. 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 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 Seminole Reservation, Intramural Fields, Sportsplex, 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 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. Open Platform Areas provided in Regulation FSU-3.003.

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, tent, or other shelter, and/or bedding with the intent to stay overnight.

(4) Scheduling of Facilities and Outdoor Areas of the 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 Guest Services and Public Functions Office in the Oglesby Union subject to approval by the University Registrar or designee.

2. 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 Guest Services and Public Functions Office in the Oglesby Union.

3. Residential areas. The scheduling of meetings or events in these facilities and outdoor areas is scheduled through the 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 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. 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) 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.

(c) Non-university 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 week for a number of weeks, shall not be permitted under this regulation.

(d) 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.

(e) 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 use of such facilities under this regulation shall be on a space-available basis. Requests for said space shall be made through the Oglesby Union Guest Services Office.

(5) Facilities and Space Use other than Official Purposes established in (2) 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 Public Functions Office in 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 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, 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 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 Policy For Posting, Promotions, Advertising, Chalking, and the Distribution of Materials on FSU Campuses as adopted in Regulation FSU-2.0131, F.A.C. 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.

v. 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.

vi. 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 may 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.

(c) The use of public address systems or other electrical amplification equipment in outdoor areas of the campus is subject to approval by the Director of the Oglesby Union 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 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, F.A.C., and the Posting Regulation FSU-2.0131, F.A.C.

(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 organizations of the University and consistent with applicable laws, regulations and rules.

(k) Issues regarding Open Platform Areas and freedom of expression rights and responsibilities are referenced in FSU-3.003.

(7). Use of Campus Lands; Camping.

(a) Tents 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.

(b) 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 recognized student organizations may secure approval for use of tents 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.

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

FSU-2.009. Parking and Traffic Regulations.

(1) General Information.

(a) Applicability of Traffic Rule. This rule 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 either at the Florida Department of Highway Safety and Motor Vehicles or at the University Office of Parking and Transportation Services in the name of, or operated by such person to be parked or operated in violation of any provision of this rule.

It is the policy of FSU to enforce the provisions of this rule and seek to impose the fines, penalties or other sanctions provided herein:

1. In the case of a vehicle registered with the Office of Parking and Transportation 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 Parking and Transportation 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 rule 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 the Director of Parking and Transportation 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 Parking and Transportation Services shall be responsible for the supervision and implementation of this rule. All requests for individual consideration with regard to the parking and traffic regulations contained in this rule must be directed to that person at the Office of Parking and Transportation Services.

(d) Definitions. The following words and phrases, when used in this rule, 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 4 or more wheels.
3. Permit Registration Year. The period from September 1 of one year to August 31 of the succeeding year.
4. Designated Parking Space. Areas governed by FSU parking rules and regulations with parking spaces delineated by red, white, or blue striping, a parking meter, or other physical barriers to include, but not be limited to railroad ties and bumper blocks intended to delineate parking parameters.

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

6. Employee. Any employee of FSU including faculty, administrative and professional personnel, university support personnel system staff, and OPS staff, employed/contracted for 40 or more hours per week.

7. Employees of recognized FSU organizations or Contracted Services. Personnel who work full-time on campus, but who are not University employees, e.g., bookstore employees, beauticians, barbers, food service personnel, credit union employees, staff of religious houses, and employees of the Greek houses.

8. Financial Aid Disbursement. That period of time defined each semester by the Controller's office for the disbursement of financial aid checks.

9. 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.

10. Loading Zones. Areas specifically designated for the sole purpose of loading or unloading materials or equipment. Properly identified service vehicles, commercial vehicles, vehicles bearing valid FSU decals or vehicles properly displaying loading zone permits issued by the Office of Parking and Transportation Services are authorized to use loading zones. Loading zones are delineated by signs or pavement marking. Use of these areas is limited to 20 minute periods. Vehicles exceeding the 20 minute maximum period may be issued additional citations every hour after the original citation and/or towed.

11. 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 Parking and Transportation Services are authorized to use loading docks. Loading docks are delineated by signs or pavement marking. Vehicles without proper authorization will be issued a citation for permit not authorized for space and/or towed at owner's expense. (fine code -- 01).

12. Motorcycle, Moped, or Motor Scooter. Any motor vehicle having less than 4 wheels.

13. Parking. The standing of a vehicle, whether occupied or not, for the purpose of and while actually engaged in loading or unloading merchandise or passengers, as may be permitted by law under the State Uniform Traffic Control Law, Chapter 316, Florida Statutes, or this rule pursuant to Section 1006.66

14. Parking 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 Parking 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 Appeals Coordinator, when a regular member is unavailable. All appointments shall be made by the Vice President for Finance and Administration from a list of persons nominated from the University Committee on Appointments. 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.

15. Part-Time Non-Student Employee. Any person employed/contracted by FSU for less than 40 hours per week who is also not enrolled as a student at Florida State University.

16. Permit. Vehicle registration document which allows the registered vehicle to be parked on the grounds of the University, as set out in this rule. The words permit and decal are used interchangeably in this rule. Only one FSU decal may be displayed per vehicle.

17. Persons Affiliated with FSU. Employees or students of FSU or employees of recognized FSU on-campus organizations.

18. Restricted Hours. Between 7:30 a.m. and 4:30 p.m., Monday through Friday on all class days, examination periods, semester breaks, and registration periods.

19. 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 Parking and Transportation 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 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).

20. Short Term Parking -- Those spaces designated by signage with a two-hour maximum stay.

Appropriate permits must be obtained from the Office of Parking and Transportation Services.

21. Student. Any person not classified as faculty, administrative and professional personnel or university support personnel system staff who is enrolled and carrying 1 or more credit hours of undergraduate or graduate work at FSU.

22. Vehicle. Any automobile, motorcycle, moped or motor scooter as defined.

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

24. Working Day. Any day that the University is officially open. This does not include official holidays.

25. Commuter Lot. Designated lot(s) that prohibit the parking of vehicles between the hours of midnight and 6:30 a.m., except on Friday and Saturday evenings or as posted on the entrance of the lot.

(2) Permits.

(a) All vehicles parked by FSU affiliates on the campus must display the appropriate permit as instructed.

The following, however, are excepted:

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

2. "State" Tag Vehicles. Vehicles bearing a duly issued "State" license tag need not be registered or pay parking meter 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.

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), and need not be registered, if a valid Press identification is prominently displayed on their vehicles. 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 at 1 or more points on campus are not required to buy a decal or display a permit. Vehicles used by persons required to perform emergency service or maintenance on University owned or leased equipment or facilities should have appropriate FSU parking permit displayed. These vehicles may be parked in any designated, unreserved parking space. Parking meters 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 Parking and Transportation. Construction permits must be displayed in the windshield.

6. Vehicles Transporting Handicapped Individuals; Disabled Veterans.

a. In accordance with the Florida Statutes, a vehicle bearing a parking permit issued pursuant to Sections 320.0848, 320.0842, 320.0843, and 320.0845, Florida Statutes, or a license plate issued pursuant to Section 320.084 or Section 320.0848, Florida Statutes (disabled veterans and veterans confined to wheel chairs), may park in designated handicapped 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 bus loading zone, fire zone, handicapped access aisle, service vehicle space, permit designated parking area or any other area posted as a "No Parking" zone. Employee and student affiliates are required to purchase the appropriate parking permit in order to park on campus. Vehicles bearing a valid FSU parking permit and the disabled permit issued by the state may park in metered, 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 handicapped accessible spaces and/or hourly toll lot spaces provided the regular rate/fee is paid.

b. Any person who fraudulently obtains or unlawfully displays a disabled 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.

c. Parking and Transportation services will boot any fraudulent vehicle and issue the handicap violation citation.

7. Visitors may park in toll spaces on campus provided time is kept on the meter or other mechanical ticket dispensers. All vehicles must be parked with the flow of traffic.

(b) The permit year begins on September 1 and ends the following August 31. All permits expire the last day of August each year.

(c) Permit Information: All faculty, staff and student affiliates parking on university property are required to purchase a parking permit or pay appropriate transportation fees.

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

(e) Replacement Permits and Gate Access Cards; Refunds. A Replacement permit and gate access card, if applicable, will be issued when a permit or gate card is no longer serviceable or a vehicle bearing a permit is replaced. The original "RP" permit or gate card must be returned to the Office of Parking and Transportation Services to qualify the holder for a replacement permit or gate card due to defect. If a permit cannot be produced, a replacement shall be issued upon execution of an explanatory Permit Replacement Statement, FSU Form #DAF1000 (Eff. 9/94) incorporated herein with documentation of replacement need filed with the Office of Parking and Transportation Services. Upon return of an original decal, refunds will be given on a pro-rated basis as contained in (3) Parking Fees and Penalties. No refunds will be issued for returned temporary permits or gate cards. Refunds for student permits issued from the assessment of the transportation fee shall be consistent with the University refund policy for local fees.

(f) Parking Permits.

1. Faculty, Administrative and Professional personnel, University Support Personnel System staff, and Non-Student OPS employees of recognized FSU affiliated organizations or contracted services employees are eligible to purchase an "R" or "RP" decal taglet, authorizing parking only in designated "R" parking areas or in areas specified for "all FSU permits." Persons utilizing an "R" or "RP" permit must display their permit/taglet on the rear license plate (secured by bolt) or on the plastic holder with the suction cup secured on the front windshield on the driver's side in order to validate their "R" or "RP" permit.

2. Visitors are eligible to purchase a "V" permit, authorizing parking only in designated "W" and "R" non-gated parking areas. Faculty, staff and student affiliates are not eligible to purchase a "V" permit. Non-student OPS employees are not eligible for an "RP" permit.

3. Vehicles bearing a "W" permit are authorized to park in designated "W" parking areas between the hours of 7:30 a.m. and 4:30 p.m. on all class days. An individual may purchase and maintain only 1 automobile and 1 motorcycle permit at a time during each permit year. This excludes replacement permits.

4. On the day preceding a home football game or as designated on the signage, all vehicles must be removed by 6:00 p.m. in designated football lots.

5. Commercial vendors and sales and service representatives are eligible to purchase commercial ("C") permits. Vehicles bearing "C" permits may park in any designated, non-gated unreserved parking space on campus. Commercial decal holders may also utilize designated loading areas for 20-minute periods only, short term parking spaces (2 hour maximum), service vehicle spaces and parking meters, provided time is kept on the meters.

6. Individuals operating motorcycles, mopeds or motor scooters may purchase an "MC" permit authorizing parking in motorcycle parking spaces only. Students and non-payroll deducted faculty and staff will be issued an "MC" adhesive style decal. Faculty and staff selecting payroll deduction will be issued an "MP" taglet style permit.

7. A temporary permit must be obtained when a substitute vehicle is parked on campus in lieu of a permitted vehicle. Temporary parking permits have the same parking and driving restrictions as do vehicles bearing the identically lettered permanent permits. Except as otherwise stated, temporary permits are issued for a maximum of 10 working days per academic year. Anyone requesting a temporary permit for more than 10 working days must file a written statement certifying the extraordinary circumstances for the

extension, including the reason the registered permit is not available for use and certifying that the substitute permit and the registered permit will not be used on campus simultaneously during the period. There is no charge for a temporary permit issued to the holder of a registered permit for use on a substitute vehicle for a maximum of 10 working days per year.

8. Loading Zone Permits may be purchased on an individual basis to afford access to designated loading zones for loading or unloading of materials or equipment.

9. Service vehicle permits may be purchased by eligible service and technical support representatives. Vehicles bearing a valid "SV" permit are eligible to park in designated service vehicle spaces with no time restriction and loading zones for a maximum of twenty (20) minutes.

10. Persons with FSU retired status who are no longer receiving any form of financial compensation for active employment may purchase an "E" permit. The "E" permit authorizes parking in any designated faculty-staff parking area.

11. Temporary handicapped parking permits will be issued by the Office of Parking and Transportation Services, upon determining eligibility, for a period not to exceed 21 calendar days. To be eligible for applying for a temporary handicapped parking permit the individual must have purchased a valid decal and have it properly displayed. 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 83002 or Form 83039 (8/90) S, which are incorporated herein by reference which contain "Disabled Person's Parking Permit a Physician's Statement of Certification", for issuing disabled person's parking permits at which time a permit will be issued for an additional period not to exceed 35 calendar days. This temporary handicapped parking permit is non-renewable.

(g) The permit shall be displayed as directed by the Office of Parking and Transportation Services at point of distribution.

(h) Motor scooter, mopeds and motorcycle decals designed and intended to be visibly affixed to a motor scooter or motorcycle shall be visibly affixed to the license plate on the registered vehicle. Motor scooters, mopeds and motorcycles may only park in a designated motorcycle space.

(i) Vehicle permits and decals are issued to specific individuals and are not transferable between individuals. The owner of the taglet and/or hangtag style decal accepts responsibility of all fines when the permit is displayed on any vehicle.

(3) Parking Fees and Penalties.

(a) "W" 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 an annual parking permit can be obtained by each student who has registered for classes. Each student who requests a permit shall be issued a "W" permit for their automobile. Students owning only a motorcycle must request a "MC" permit at the time of issuance. If a student owns both an automobile and a motorcycle, they shall be issued the "W" permit and are authorized to purchase a "MC" permit as their secondary permit for the motorcycle. It is the responsibility of the student to retrieve the parking permit from the designated point of distribution. All annual permits shall expire on August 31st 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.

Student Transportation Access Fee: \$ 8.90 per credit hour beginning Fall 2012.

Any fee increase/decrease to the Student Transportation Fee(s) 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 Services.

(c) Attended Lots. Fees for attended toll lots shall be determined by the Director of Parking and Transportation Services and fee rates posted at the entrance of the lot.

(d) Refund of Fees.

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

2. Permits purchased on an annual or semester basis will be prorated on a monthly scale and must be turned in for a refund at the Office of Parking and Transportation Services by the last day of the month to receive credit for future months.

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 location are subject at all times to the motor vehicle laws of the State of Florida, the rules and 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 acceptable to the City of Tallahassee on a rotation basis pursuant to City Commission Resolution 93-R-0019, approved June 23, 1993, and the Tallahassee Code Article VI, Rotation System Towing, copies of which are on file at the Office of Transportation and Parking.

(d) Vehicles parked in violation of the provisions of this rule, abandoned on campus, deemed as a safety hazard by FSU Public Safety or Environmental Health and Safety, or failing to display a current and valid permit or decal 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 the vehicles bearing parking permit "R", "RP", "C", and "E", between the hours of 7:30 a.m. and 4:30 p.m. on all class days, examination periods, semester breaks and registration periods. "V" permits may utilize ungated lots only. These areas are delineated by signs and/or red parking lines. After 4:30 p.m., Monday through Thursday, all valid FSU permits are honored unless otherwise noted by signage.

2. "W" parking areas are reserved for the use of vehicles bearing parking permit "W", "V" and "C" between the hours of 7:30 a.m. and 4:30 p.m. These parking areas are delineated by signs and/or white painted parking lines.

3. Between 4:30 p.m. and 6:00 p.m. all parked vehicles must bear any valid FSU parking permit or decal and may park in any unreserved parking area without regard to permit designation and may park in general metered spaces without charge.

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

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

(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: no permit in restricted lots, parking in an access lane, blocking access, parking in a reserved space without authorization, permit not authorized for space, parking in a restricted or reserved lot, 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 a metered space or time limited space -- 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 Firelane. -- fine code 03. The fee assessed for this violation: \$100.00.

4. Parking in a handicapped space without authorization or blocking handicapped access or with an "HC" 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 parking decal or purchase of a decal by an authorized individual for use by or resale to an unauthorized individual. Failure to provide correct vehicle information within seven working days. Misuse and fraudulent use of a permit 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 or bagged meter.—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 ten (10) 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 10 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 Parking and Transportation 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 Parking and Transportation 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 rule 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 Parking Violations Appeals Board. Such notice shall be given by completing a Parking Violations Appeals Board Form MP-01 and filing it with the Coordinator of the Parking Violations Appeals Board. 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 Parking 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 Parking and Transportation Services, Tallahassee, Florida.

5. Parking 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 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 Parking 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 toll the 7 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 10 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 Parking 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 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 10 calendar days of the date of issuance of such citation; or who fails to pay the applicable fine within 10 calendar days of the date of issuance of written decision of the Parking Violations Appeals Board, affirming the individual's adjudication of violation, the Director of Parking and Transportation 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 or University Personnel Relations Department, or both, 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 Rule 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 Rules governing faculty employment, and any applicable faculty collective bargaining agreement. All matters involving non-faculty employees shall be referred to Assistant Vice-President and Chief Human Resources Officer or designee for appropriate action taken in accordance with applicable provisions of Florida Statutes, Rule 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 Parking and Transportation 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 Parking and Transportation 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 \$50.00 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 Parking 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 Parking and Transportation 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 Parking and Transportation 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 Parking 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 rule.

(8) Parking Garage.

(a) The parking garage on Stadium Drive and Connector Road will be closed during posted night time hours; all vehicles must be removed before the garage is closed. The vehicle will be deemed abandoned after 48 hours if unremoved, and can be towed. All associated costs will be paid before the vehicle will be released.

(b) Vehicles must be parked "nose in" in the spaces in all parking garages. Backing into a space is prohibited and will be assessed the fee listed under fine code 01.

(c) After the garage is officially closed, all remaining vehicles will be cited as parking in a reserved space (fine code 01).

(d) During the time the garage is closed, a vehicle may be retrieved by notifying the University police, or the designated on-call person.

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

FSU-2.010 Bicycle Parking and Traffic Code.

(1) General Information.

(a) The provisions of this rule shall be applicable to all persons who operate or park a bicycle on the Florida State University campus at all times, including examination periods, term breaks, and registration periods.

(b) All ordinances of the City of Tallahassee relating to Traffic which are not in conflict with or inconsistent with this rule are made a part thereof and are enforceable as provided herein.

(c) The University reserves the right to designate and regulate the use of all its bicycle parking facilities, including the right to remove, or reallocate parking areas as the need arises. The responsibility of

locating legal parking space rests with the operator of the bicycle. Lack of space will not be considered a valid excuse for violating parking regulations.

(d) Definitions.

1. Administering Agency. The Florida State University Department of Public Safety and Department of Environmental Health and Safety and Parking Services are vested with the authority necessary to enforce this rule.

2. Bicycle. Every vehicle propelled solely by human power, and every motorized bicycle propelled by a combination of human power and an electric helper motor rated at not more than 200 watts and capable of propelling the vehicle at a speed of not more than 10 miles per hour on level ground upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device.

3. Bicycle Lane. That portion of a roadway restricted to the exclusive use of bicycles and so designated by signs and/or markings.

4. Bicycle Path. A route separate from roadways for the exclusive use of bicycles and so designated by signs and/or markings.

5. Campus. All property situated in the Tallahassee area that is under the control of The Florida State University.

6. Dual Use Sidewalk. A sidewalk on which both bicycle and pedestrian traffic is permitted and that is so designated by signs and/or markings.

7. Hazard. When a bicycle is parked or secured by chain or other device in a location the result of which creates a situation of risk, peril or danger of injury or destruction to property.

8. Operator. The person in actual physical control of a bicycle.

9. State. The State of Florida.

10. University. The Florida State University.

11. All other definitions cited in Section 316.003, F.S., and relating to bicycles and other motor vehicles are hereby accepted for use in this rule.

(2) Bicycle Registration.

(a) All bicycles that are operated, parked, or stored on campus by any student or faculty or staff member of the University community are encouraged to voluntarily register their bicycles with the Department of Public Safety or Environmental Health and Safety. Bicycles not owned or operated by a member of the University student body, faculty or staff, or an employee of a University related agency or office can be operated or parked on the campus in accordance with this rule.

(b) The application form includes the following:

1. Full name and address of the owner(s).

2. The owner's FSU ID number.

3. Name and address of the Operator (if different from previous name and address).

4. Make, color, serial number, and model of the bicycle, or other identifying information.

(3) The Operation of Bicycles.

(a) Every person operating a bicycle upon a public street shall do so in accordance with the traffic control devices and rules of the road that are applicable to motor vehicles under Florida law and regulations specified within this rule.

(b) Mounted bicycles shall be operated only on a roadway, bicycle path, bicycle lane, or dual use sidewalk.

(c) A person operating a bicycle shall do so as close to the right hand side of the path, lane, sidewalk and roadway and with the flow of traffic.

(d) Rules of the road applicable to motor vehicles shall apply to bicycles operated on bicycle paths unless this rule explicitly requires a different course of action. Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use that path and not use the roadway.

(e) After sundown, every bicycle shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least five hundred feet to the front and a lamp on the rear exhibiting a red light visible from a distance of five hundred feet to the rear. A red reflector meeting the requirements of this section may be used in lieu of the red light. All such lamps and reflectors shall be in place and in operation whenever a bicycle is operated after sundown.

(f) All traffic signals, stop signs, yield signs, and other traffic control signs will apply to the operator of a bicycle. Traffic control signs or devices on a roadway parallel to a bicycle path shall also apply to the operator of a bicycle on such a path if that path leads into or crosses an area or street protected by the traffic control device.

(g) The operator of a bicycle shall at all times yield the right-of-way to pedestrians.

(4) Bicycle Parking.

(a) The Florida State University reserves the right to designate and regulate the use of all its bicycle parking facilities.

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

(c) A bicycle is forbidden to be parked and/or secured on a handicapped accessible ramp, either in part or totally, or in any manner that would restrict the movement of physically challenged persons.

(d) Bicycles shall be parked so as not to impede any form of pedestrian or vehicular movement. Prohibited areas include any area within six feet in front and to the side of any entrance to or exit from any building, within any sidewalk, on any access or egress ramp, or sidewalks, steps or stairs, in corridors, or motor vehicle parking spaces.

(e) A bicycle should be chained or locked only to a bicycle parking rack or to the locking device provided in bicycle parking areas.

(f) The Department of Public Safety and the Department of Environmental Health and Safety are

authorized to cut security devices and remove for impoundment any bicycle parked or stored in violation of this rule. A bicycle will be impounded for any of the following reasons:

1. Parked in a manner so as to create a hazard, as defined in subparagraph (2)(f)7.
2. Abandoned.
3. Parked in a prohibited area as provided in paragraphs (4)(c) and (d).

(g) A person whose bicycle has been impounded may claim their bicycle within 30 days by contacting the Department of Public Safety or Department of Environmental Health and Safety. The burden of proving ownership shall rest with the person claiming the bicycle.

(h) An impounded bicycle not reclaimed within 30 days shall be considered to be abandoned and shall be disposed of by the University in accordance with Section 705.18, F.S.

(5) Enforcement Procedures.

(a) Any person whose actions result in a violation of this rule will be assessed a fine of \$10.00 per violation in accordance with Section 240.265, F.S.

(b) All fine assessments are payable at Parking Services.

(c) Alleged violators of this rule will have the same avenues of appeal as an operator of a motor vehicle in accordance with FSU Rule FSU-2.009, F.A.C.

Specific Authority BOG Regulation 1.001(3)(j) Law Implemented 240.263, 240.264, 240.265, 240.266, 705.18 FS. History—New 9-30-75, Formerly 6C2-2.10, Amended 3-7-95.

FSU-2.011 Facilities Leasing

(1) The purpose of this Regulation is to implement the delegated authority from the Board of Governors (BOG) to the Florida State University (FSU) found in BOG Regulation 17.001 with respect to leasing of space.

(2) The President or designee may enter into leases for space in a building or any part of a building for use by FSU or its direct-support organizations. However, Leases subject to Section 1010.62, Florida Statutes, relating to revenue bonds and debt, must be approved by the Board of Governors.

(3) The President or designee must first certify that there is no available and suitable university controlled space within a reasonable distance of the need before approving any lease. All leases will achieve best leasing value. “Best leasing value” means the highest overall value to the state based on objective factors that include, but are not limited to, rental rate, renewal rate, operational and maintenance costs, tenant-improvement allowance, location, lease term, condition of facility, landlord responsibility, amenities, and parking. Cost savings related to the university procurement processes are not sufficient justification for direct negotiation.

(4) Leases for space of 5,000 square feet or more in a privately owned building must be competitively procured. Competitive bids shall be awarded to the lowest responsible and responsive bidder; competitive proposals shall be awarded to the most advantageous responsible and responsive proposer based on all criteria in the proposal including price. The university may not negotiate with

responding proposers unless the university makes a specific statement why this will achieve best leasing value. Cost savings related to the university procurement processes are not sufficient justification for direct negotiation.

(5) Competitive procurement shall not be required for the following:

(a) Renewal of leases procured under this Regulation where the specific renewal involved is provided in the initial lease which was itself competitively procured, where such is required.

(b) Lease of less than 120 consecutive days which is for the purpose of securing a one-time special use of the leased property.

(c) Lease for nominal or no consideration.

(d) One extension of a current, existing lease of 5,000 square feet or more, however procured, not exceeding eleven (11) months, if determined to be in the best university interest.

(e) Lease of educational facilities in a FSU affiliated Research and Development Park. However, as required by Section 1013.17, Florida Statutes, the Board of Trustees or designee must certify in writing that it is in the best university interests and that the exemption is not detrimental to the state,

(f) Leasing of specialized research, medical or educational facilities certified by President or President's designee in writing that such leasing is available only from a single source and that compliance with competitive bid requirements would be detrimental to the university.

(g) In an emergency, when university/state-owned or leased space is destroyed or rendered uninhabitable by an act of God, fire, malicious destruction, or structural failure, or by legal action, upon certification by the President or designee that other University controlled space is not available and the term of any such lease does not exceed 18 months, provided the University may modify the lease to extend it on month to month basis for up to 6 additional months to allow completion of such construction or renovations.

(h) Leasing facilities in a hospital or other medical facilities, such as a medical office building, with which the University is affiliated.

(6) All measurement of potential leased space shall be based on the method of measurement used by the State University System for gross square feet as described in the current Physical Facilities Space File.

(7) Escalation Clauses Prohibited. A lease shall not contain a rental escalation clause or an open rental rate that permits an adjustment in the amount paid by the University based on the happening of a future event, such as a change in the Consumer Price Index or other economic indicator, without also including a ceiling on the total amount the rent may increase. For leases of ten years or more a process may be established within the terms of the lease that allow for determining and adjusting the rental amounts based on existing fair market leasing values at agreed upon milestones.

(8) Right-to-Terminate Clause Required. All leases for a term exceeding one (1) fiscal year shall include the following provision: "The State of Florida's performance and obligation to pay under this Lease is contingent upon an annual appropriation by the Legislature."

(9) Lease Form. All leases shall be prepared in accordance with this regulation, and executed by the President or the President's designee. The University uses a standard lease approved by the Senior Vice President for Finance and Administration and by the University General Counsel for form and legal content. Any deviations from the standard lease must be within the requirements of this Regulation and will acquire specific approval of these same parties.

(10) For leases or renewal of leases of space of 5,000 square feet or more, Lessor must disclose to FSU all owners of the leased property to ensure compliance with conflict of interest provisions of Chapter 112, Florida Statutes.

Specific Authority BOG Regulations 1.001 (3) (j) and (7) (b), 17.001. History–New 9-30-75, Amended 6-14-81, Formerly 6C2-2.11, Substantially rewritten, 6-9-2012

FSU-2.013 Commercial Solicitations.

(1) All soliciting done on the University premises must be approved by the Director of Business Services, except for the sale of newspapers in the dormitory and housing areas, and certain activities sponsored by student organizations.

(2) University Solicitors' Permit.

(a) All solicitors must have a University Solicitors' Permit, except students representing student organizations.

(b) All applicants for a permit must have in their possession a valid City of Tallahassee Solicitors' Permit. They must also have and furnish verifiable personal, and company or organization identification for all persons who will be engaged in the requested activity.

(c) The University Solicitors' Permit will contain the following information.

1. Name of company or organization.
2. Names of individuals representing the company or organization on campus.
3. Type or nature of approved activity.
4. City of Tallahassee Solicitors' Permit number.
5. Location where permit is valid.
6. Dates of issue and expiration of University Solicitors' Permit.

(d) Copies of the University Solicitors' Permit are to be given to the individual responsible for the activity, who will insure that each person engaged in soliciting has a copy. The original permit will be kept on file in the Business Services Division office.

(3) Obtaining Permits. Permits are to be obtained from the Director of Business Services. The issuance of permits will be governed by the benefits to be gained by the University community. Copies of the permit are to be carried by each individual whose name appears on the permit and are engaged in the activity, and will be presented to any University official upon request. Any issued permit is subject to cancellation at any time it is deemed in the best interests of the University to do so. In the event a permit is cancelled, all

copies of the permit are to be surrendered to the Director of Business Services and soliciting by the permit holder will cease.

(4) Student Organizations. In recognition of the rights and freedom of student organizations at the Florida State University, approved student groups are permitted to solicit for support, or sell and distribute items as a project of that organization within the following limits and guidelines:

(a) No item is to be sold or advertised that is offered for sale in, or that is in competition with, any University agency such as the Union Store, Bookstore, Food Service, Office Services and Laundry without a University Permit granted by the Director of Business Services.

(b) Sponsoring and participating organizations must register the activity and arrange for space with the Office of Student Activities.

(c) Activities referred to in this policy are permitted only in the area of the University Union Complex designated as the Bookstore Arcade. Any requests for exceptions to this location should be submitted to the Office of Student Activities. Requests for tables and chairs in connection with such an activity should be made to the Union Reservations Office.

(d) Sponsoring and participating organizations will comply with any Student Government Statutes affecting fund raising projects.

(e) Officers of any student organization sponsoring or participating in solicitations, either on or off the campus, will assume full responsibility for adherence by the participating students to all laws and regulations governing such activities.

(5) The posting or distribution of advertising material will be limited to the permanent official bulletin boards of the University.

(6) Dependent on the availability of space in areas specifically designated for such purposes, newsstands containing daily newspapers of general public circulation authorize will be permitted. The Director of Housing will the placement of newsstands in the dormitory housing areas. The Director of Business Services will authorize the placement of newsstands in other areas.

Specific Authority BOG Regulation 1.001(3)(j) Law Implemented 240.227(1), (13) FS. History–New 9-30-75, Formerly 6C2-2.13.

FSU-2.0131 Posting, Chalking Advertising and Active Distribution of Materials on FSU Campuses.

(1) Overview. Any FSU entity, defined as any division, department, office, academic unit, program, center, faculty, staff, enrolled student or student organization officially recognized, owned, operated, regulated, or supervised by FSU, may publicly post on university property in designated areas consistent with these terms and the applicable provisions of the Florida State University Board of Trustees Rules and Regulations, and all applicable state and federal laws. Any Non-FSU entity is eligible for distribution of

materials through the FSU rack program managed by Business Services and must meet all provisions of this regulation. This FSU Posting Regulation is promulgated by the Board of Trustees pursuant to s. 1001.74(6)(b). Nothing stated in this regulation is intended to modify or supersede the provisions set forth by the Commercial Solicitation Policy (FSU-2.013) governing commercial solicitation and use of FSU facilities for commercial purposes.

(2) Purpose. The FSU Posting Regulation has been adopted for the purposes described below:

(a). Creation of an educational campus culture. FSU is committed to creating a campus which supports the academic mission of the university, provides a campus culture conducive to learning, and is free from obscene materials and hostile workplace environments.

(b). Information and Promotion. To provide information and a means for FSU entities to promote activities, events, and services as well as allow for the announcement of matters directly related to the health, safety, security, or welfare of the university community.

(c) Regulation of Commercial Material. To protect the campus from commercial and promotional materials and activities sponsored by non-FSU entities and to protect the health, safety and welfare of the students entrusted to the university.

(d) Appearance of the Physical Environment. To maintain and improve the appearance of the physical environment of the campus such that it be aesthetically pleasing and welcoming for students, faculty, staff, alumni, community members, and visitors. The campus should be free from excessive and abusive postings, chalking, and litter which defaces and depreciates the value of the grounds and facilities of the campus.

(e). Sustainability. To cultivate a campus atmosphere that supports a sustainable environment by means of reducing the amount of paper used for posting, eliminating use of products that have a negative impact on the environment, and encouraging recycling of materials. Thus electronic distribution of materials and Oglesby Union tabling shall be encouraged over paper postings.

(f) Provide Notice. To provide all entities with information and terms of this regulation so they are well informed of the terms and the consequences should the regulation be broken.

(3) General Provisions

- (a) The university has the right to deny or remove any posting, material, individual or entity not in adherence with terms of this regulation, regardless of promotional, commercial or informational in nature.
- (b) All materials must be clear and legible, bear the name of the sponsoring FSU entity and provide event and current contact information.
- (c) Campus entities are responsible for immediate clean up and/or removal of materials that are in violation of terms of this regulation; otherwise, materials are to be removed within 24-hours of completion of an event.
- (d) Any entity that posts, chalks, displays, or distributes materials in a way that damages university property is financially responsible for the damage.
- (e) Materials posted or distributed may not: glorify, edify, promote or support the use or sale of alcohol and illegal drugs; display trademarks and or brand names of alcohol or illegal drug products; contain material that is obscene or defamatory; be directed to incite or produce imminent lawless action.
- (f) Posted or distributed material by FSU entities does not necessarily reflect the opinions, beliefs or practices of The Florida State University.
- (g) Bulletin or posting boards maintained and monitored by university offices or departments do not fall under this posting regulation. Permission to post materials on these posting boards must be obtained through the appropriate university department.
- (h) FSU departments, offices or units may impose area-specific procedures for posting and promotions on their posting boards and/or facilities so long as the minimum requirements of this regulation are upheld.
- (i) The placement of any material and/or free-standing signs on vehicles, sidewalks, walkways or any paved areas is prohibited, except for emergency, safety, warning or directional signs placed by university officials acting on behalf of the university to announce a matter directly related to the health, safety or welfare of the university community.
- (j) Exceptions to the terms of this regulation may be granted by the university President or designee in cases where the materials intended to be posted/distributed are directly related to the mission or goals of the university or to protect the safety and welfare of the university community.
- (k) FSU Branch Campuses will develop area-specific procedures in addition to these General Provisions to suit appropriate campus needs.

(4) Active Distribution of Materials

The Active distribution or passing/handing out of materials shall be limited to the designated locations on the maps located at www.posting.fsu.edu.

(5) Posting of Materials

(a) Posting of materials is limited to the corked portion of designated outdoor posting kiosks per the maps located at www.posting.fsu.edu.

(b) No more than one (1) flier per event, maximum size of 8.5"X11", may be posted on the same kiosk at any time.

(c) Posting in or on an FSU facility is prohibited without approval of manager or director of the facility.

(6) Chalking

(a) Chalking on campus is permitted only on the designated concrete-paved sidewalks on the maps located at www.posting.fsu.edu. Chalking on brick surfaces is prohibited.

(b) Chalking must be done with a water-soluble powder substance, in open, horizontal areas that can be directly washed by rain.

(7) Free-Standing Signs

(a) The placement of Free-Standing signs on campus is limited to the promotion of events or activities for up to 7 days prior to its occurrence and must be removed within 24-hours upon completion of the event/activity.

(b) Up to Five (5) A-Frames/Sandwich Boards/Tee Pees, (no larger than 4'X3') and Ten (10) Stake Signs (no larger than 24"X18") may be placed on campus at one time for a single event/activity.

(c) The placement of free-standing signs must be in accordance with terms in the Americans with Disabilities Act (ADA) and are not to block sidewalks or walkways per the maps located at www.posting.fsu.edu.

(d) Signs may be removed or special requests denied due to: harm posed to the university community; damage or deterioration by inclement weather; excessive postings; or space constraints.

(8) Banners

The placement of any banner on or inside a building or any other structure must be approved by the Director of Facilities or designee with the exception of banners hung at the Oglesby Union or at any

residence hall, which must be approved via their respective departmental procedures. Visit www.posting.fsu.edu for contact information regarding banner display.

(9) University Special Events

(a) Additional posting provisions are extended to Student Government Association elections and any other university-wide event as endorsed by the University President or designee beginning seven (7) calendar days prior to the event and ending within 24-hours of completion of the event.

(b) Materials for posting on outdoor kiosks may be up to 16”X20” in size.

(c) Up to Ten (10) A-Frames/Sandwich Boards/Tee Pees, (no larger than 4’X3’) and Twenty (20) Stake Signs (no larger than 24”X18”) may be placed on campus at locations designated at www.posting.fsu.edu.

(d) The placement of balloons or other material on any object or the distribution/placement of materials outside of the provisions in this regulation for designated special events only is subject to the approval of the Director of the Oglesby Union or designee at least 7 days prior to desired occurrence. Visit www.posting.fsu.edu for contact information regarding special requests under this provision.

(10) Political Elections

(a) The active distribution and/or posting of material, and the placement of free-standing signs during federal, state and local elections is limited to candidates running for office and their representatives pursuant to the locations designated at www.posting.fsu.edu.

(b) Materials are not to be posted or distributed inside of or at the entrance or exit ways to buildings or facilities including athletic/recreational venues and fields.

(11) Sanctions and Enforcement

(a) University officials and members of the university community are to take the appropriate action to uphold a positive campus culture by educating the citizens of the community, encouraging positive participation in campus activities, and addressing any improper posting, chalking, or distribution of materials on FSU campuses.

(b) Any entity whose postings, promotions or actions violate any terms of this regulation are subject to sanctions that may include but are not limited to warnings, restitution, loss or suspension of privileges, trespass or expulsion from campus, and or disciplinary/legal action.

(c) Enforcement of this regulation and assignment of sanctions shall reside in the Division of Student Affairs for individual student and student organization cases; the Dean of Faculties for faculty related violations; the Office of Human Resources for staff related violations and the Vice President for Finance and Administration for all other groups, including outside groups, organizations, and individuals.

(d) Updates to locations for postings, chalking, free-standing signs, and distribution of materials (that do not change terms of this regulation) are to be recommended and approved by a committee appointed by the University President or designee on an annual basis.

Specific Authority BOG Regulation 1.001(3)(j) Law Implemented 1001.74(6) FS. History--New 5-9-02, Amended 6-13-2008

FSU-2.014 Identification Cards.

(1) "Validation" is an imprint that is placed on the clear edge of an ID card to show that the card is effective during the imprinted period.

(2) University ID cards, guest cards, and alumni association membership cards provide a convenient means for identifying individuals who are entitled to utilize the facilities, activities, and services of the Florida State University. An ID card is nontransferable and is only for use by the individual whose name appears on the card. Misuse of an ID card may result in revocation of the card and disciplinary action. The ID Card Committee reviews and recommends policies for the issuance of ID cards.

(3) Issuance of Identification Cards. Different types of ID cards are issued to members of the University community depending on the nature of their affiliation with the University. By accepting and using an ID card, an individual agrees to abide by any rules and regulations that pertain to the use of University facilities, activities, or services. Possession of an ID card does not relieve the holder from paying any admission fees or service charges that may apply to a given facility, activity, or service.

(a) Students. Students who have been issued cards at a prior registration are to retain their cards and have them validated at subsequent registrations by the Bureau. When a student withdraws from the University, the Counseling Center removes the validation for that quarter from the student's ID card. Students who withdraw are allowed to retain their ID cards in case they are readmitted at a later date.

(b) High School Students. High School students who enroll in classes at Florida State University without payment of registration fees will be charged a \$5.00 fee for their student ID cards. To further identify the high school student, the name of the student's high school will be typed above the student's name when the card is issued.

(c) Faculty/Staff. Faculty and staff ID cards are issued to permanent full-time and part-time faculty and staff. Graduate students who are employed temporarily as part-time instructors will not be issued faculty ID cards, but will use their student ID cards.

Specific Authority BOG Regulation 1.001(3)(j) . Law Implemented 1001.74(1), (5) 1009.24 FS. History–
New 9-30-75, Formerly 6C2-2.14.

FSU-2.015 Purchasing and Procurement

(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, ~~and~~ rules and regulations, to reduce the appearance and opportunity for favoritism, and to preserve the integrity and reputation of the University with regard to purchasing 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 purchasing 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.

(c) Delegation of Purchasing Authority

1. Duties and Powers. The Director of Procurement Services (“Procurement Director”) is delegated authority to serve as and shall also be referenced here as the Chief Procurement Officer for the University, and shall exercise the powers, duties and functions pertaining to the procurement of commodities and contractual services or which are assigned specifically to that position.

2. The Procurement Director may delegate to the purchasing department staff such portions of those powers, duties and functions as deemed appropriate.

3. Additional Purchasing 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 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 purchasing department shall include all offices delegated purchasing 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 purchasing 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 Department of Procurement.

4. 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. .

5. 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:

- a. Physical damage on vehicles and boats;
 - b. Inland marine on property owned, leased, or loaned to or by the University;
 - c. Building and property damage;
 - d. Equipment losses due to theft;
 - e. Equipment subject to transportation;
 - f. Loss of rental income;
 - g. Commercial general liability insurance for scientific equipment;
 - h. 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 vendor 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 established by the Federal Government, other states, political subdivisions, or any independent college or university or educational cooperative or educational consortia 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. 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 Purchasing 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. 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. Any individual university Purchasing departments with delegated purchasing 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 Vendors.

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 vendors with a principal place of business in Florida (“Resident Vendors”) as follows:

a. If the responsible and responsive vendor 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 ~~is in a~~ state or political subdivision grants a preference for the same purchase to a local vendor then the University shall grant ~~the~~ that same preference to the lowest or best responsible and responsive Resident Vendor.

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

c. For vendors whose principal place of business is outside of Florida, such vendors 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 vendors 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 vendors responding to the solicitation have principal places of business outside of Florida.

d. The vendor’s principal place of business, as represented by the vendor in its bid or reply, may be relied upon by the University without further inquiry. If the University determines that a vendor has misrepresented its principal place of business, the vendor’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 purchases printed materials by competitive solicitation, a preference shall be provided Resident Vendors as follows:

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

b. For purposes of subparagraph (g) 2.a. the level of quality shall be determined by whether a vendor 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 Vendor's bid.

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

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

b. If the vendor is a business organization, then its "principal place of business" is in the state where the majority of the vendor's executive officers direct the management of the vendor'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 vendor list for a period of 36 months from the date of being added to the convicted vendor 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 purchasing 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, the dollar amount(s) of each response or the number of points awarded, 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 purchasing responsibility, and shall be available for public inspection at all times during regular University business hours. Any person who is adversely effected by the University's decision or intended decision regarding a competitive solicitation shall file in writing a protest which shall be received in the purchasing 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 purchasing 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) Purchasing 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 sole source certification 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 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 telecommunication services or facilities;
14. Extension of an existing contract;
15. Renewal of an existing contract if the terms of the contract specify renewal option(s);
16. Purchases from the Annual Certification List provided in (6) (d)
17. Purchases for resale to the public.
18. Accounting Services
19. Implementation/programming/training services available only from the owner of copyrighted software or its contracted vendor; and

20. 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.

21. 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) Vendors 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. The University is authorized to require any contractor contracting with the University to provide commodities, services or commodities which include installation to furnish a payment and performance bond, with good and sufficient securities, to the University prior to the issuance of the contract.

2. 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 Procurement Director. 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. There shall be only one extension of a contract.

(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.

(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 vendor 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 vendor 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) Vendors 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 vendor, except in case of a documented emergency. The notification shall also provide that should the vendor fail to perform within the time provided, that: It will be in default; it will be removed from the University's vendor and competitive solicitation lists; and the University will re-procure the commodity or service from another source, which will obligate the vendor to pay all re-procurement costs and costs for cover.

(b) Unless the vendor corrects its failure to perform within the time provided, or unless the University determines based on its own investigation that the vendor's failure is legally excusable, the vendor shall be found in default and issued a second notice stating the reasons the vendor 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 vendor that the vendor has been removed from the vendor 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 vendor also shall be advised

of the right to protest as provided in (16) (c) of this Regulation and shall follow the protest procedures provided in (16).

(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 vendor reimburses the University for all re-procurement and cover costs, the defaulting vendor 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 ~~by~~ the University.

(e) All correspondence to vendors 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.

(a) Purpose. The procedures set forth in this Regulation shall apply to protests that arise from all University contract procurement processes for the purchase of goods, services, leases and for construction-related competitive solicitations, and shall be the exclusive set of procedures applicable to all such protests.

(b) Definitions.

1. Adversely affected - where the University decision or intended decision will cause immediate injury in fact to the Protestor and the injury is of the type that the pertinent law or regulation is designed to protect.

2. Days – calendar days.

3. Decision or intended decision - the Specifications; the rejection of a response or all responses to a competitive solicitation; the intent to award a contract pursuant to a competitive solicitation as indicated by a posted written notice; a sponsored research exemption; or a determination that a specified procurement can be made only from a sole source.

4. Electronic posting - posting on the University's designated website.

5. Filing - when filing documents or written materials with:

a. The Issuing Office, the filing is the delivery of the original of the document or written materials at the Issuing Office. Filing the Notice of Intent to Protest or the Formal Protest via email or facsimile is not permitted. The time allowed for filing any documents or written material is not extended by the mailing of such;

b. The President, the President's Designee or the Presiding Officer, filing is the delivery of the documents or written material to the President, President's Designee or Presiding Officer via email or in person at a hearing.

6. Formal Protest - the formal written complaint that complies with the requirements of Section (6) of this regulation.

7. Issuing Office - the office that issued the solicitation, or if a solicitation has not been issued, the office that made the decision or intended decision that is being protested.

8. Legal holidays - those days designated as holidays in Section 110.117, Florida Statutes, and those days other than Saturdays and Sundays - when the university is officially closed.

9. Notice of Intent to Protest - a short and plain written statement that complies with the requirements of Section (5) of this regulation.

10. Potential Protestor - any actual or prospective bidder or offeror, person, or firm with standing to protest the decision or intended decision.

11. President - means the presiding president of the university.

12. President's Designee – the person selected by the President to perform a specific delegated function on behalf of the President under this regulation.

13. President/President's Designee – means the presiding president of the University; however, if the presiding president appoints a designee, shall mean the presiding president's designee only.

14. Presiding Officer - the Quasi-Judicial Officer or the University Official handling the protest proceeding.

15. Protest proceeding - either a summary proceeding involving a University Official or a quasi-judicial hearing involving a Quasi-Judicial Officer.

16. Protestor - any actual or prospective qualified bidder or offeror, or person or firm that is adversely affected and has standing who timely files a Notice of Intent to Protest and also timely files a Formal Protest.

17. Quasi-Judicial Officer - the designated presiding official (may be an Administrative Law Judge or a qualified attorney with a minimum of five years' experience practicing law) in a protest proceeding where there are disputed issues of material fact.

18. Serve/Service – sending a copy of the information to the parties via email communication at the email addresses of record.

19. Specification – the contents of the competitive solicitation or any addenda thereto; the approval of sole source procurement; or other solicitation documents as permitted by applicable law or regulation.

20. Timely Filed – actual receipt of documentation or written material by the Issuing Office, the President, the President's Designee, or the Presiding Officer on or before the deadline.

21. University Official – the person appointed by the President to conduct a summary proceeding.

(c) Notice of Decision or Intended Decision. The University shall provide a notice of decision or intended decision by electronic posting. The notice shall contain the following statement: "Failure to timely file a protest or failure to timely deliver the required bond or other security in accordance with the Board of Governors' Regulations 18.002 and 18.003 shall constitute a waiver of protest proceedings."

(d) Initiating a Protest. If a Potential Protestor desires to protest a decision or intended decision of the University, the Potential Protestor must timely file a Notice of Intent to Protest, a Formal Protest, and the required Solicitation Protest Bond prescribed by of Governors Regulation 18.003 with the Issuing Office.

(e) Notice of Intent to Protest.

1. Timely Filing of a Notice of Intent to Protest.

a. Protesting a Specification. If the Potential Protestor is protesting a Specification, the Potential Protestor must timely file a Notice of Intent to Protest with the Issuing Office within 72 hours of the university's electronic posting of the Specification that is being protested. A Potential Protestor's failure to timely file a Notice of Intent to Protest within 72 hours of the posting of the Specification shall constitute a waiver of the right to protest proceedings related to that Specifics

b. Protesting any Other Decisions or Intended Decisions. If a Potential Protestor is protesting any decision or intended decision other than a Specification, the Potential Protestor must timely file a Notice of Intent to Protest such decision or intended decision with the Issuing Office within 72 hours of the university's posting of the notice of decision or intended decision that is being protested. A Potential Protestor's failure to timely file a Notice of Intent to Protest within 72 hours of the university's posting of the notice of decision or intended decision being protested shall constitute a waiver of the right to protest proceedings related to that decision or intended decision.

i. Filing Period for the Notice of Intent to Protest. The 72-hour period for filing the Notice of Intent to Protest regarding any decision or intended decision begins upon the electronic posting of the decision or intended decision. If the end of the 72-hour period falls on a Saturday, Sunday, or legal holiday, the deadline for filing the Notice of Intent to Protest shall be the next business day. A Notice of Intent to Protest may not be filed before the 72-hour period begins.

ii. Content of the Notice of Intent to Protest. The Notice of Intent to Protest must be addressed to the Issuing Office; must identify the Potential Protestor and must provide the Protestor's/Protestor's counsel or representative's address, phone number and email address; must state the name and address of the University whose action is being protested; must identify the solicitation by number and title, or if the intended protest is not related to a competitive solicitation, must provide other language that will enable the University to identify the decision or intended decision being protested; and must state that the Potential Protestor intends to protest the decision or intended decision.

(f) Formal Protest and Solicitation Protest Bond.

1. Timely Filing of a Formal Protest and Solicitation Protest Bond. The Potential Protestor must timely file a Formal Protest with the Issuing Office within ten (10) days after the date the Notice of Intent to Protest was filed. In addition, the Potential Protestor must timely file the required Solicitation Protest Bond with the Issuing Office within ten (10) days after the date the Notice of Intent to Protest was filed. The failure of the Potential Protestor to timely file the Formal Protest or to timely file the Solicitation Protest Bond shall constitute a waiver of the Potential Protestor's right to protest proceedings and/or the denial and

dismissal of the Potential Protestor's protest.

2. Content of the Formal Protest. The Formal Protest must state with particularity the facts and law upon which the protest is based. Only actual or prospective bidders or offerors who would be adversely affected by the University's proposed action have standing to protest the award or intent to award a contract through competitive solicitation. The Formal Protest must contain the following:

a. The name of the Protestor and the address, telephone number and email address of the Protestor/Protestor's counsel or representative. The email address provided will be the email address used by the Issuing Office, the President, the President's Designee, the Presiding Officer, and the other parties for serving the Protestor with notice, documents and other materials related to the protest;

b. The identification of the University and competitive solicitation involved, if no competitive solicitation is involved, identification of the action being protested;

c. A statement of when and how the Protestor received notice of the decision or intended decision that is being protested;

d. A concise statement of the facts, including the specific facts the Protestor contends warrant reversal or modification of the university's decision or intended decision;

e. A statement of all disputed issues of material fact, or if there are none, the Formal Protest must indicate so;

f. A statement of the specific regulations or laws that the Protestor contends require reversal or modification of the decision or intended decision, including an explanation of how the alleged facts relate to the specific regulations or statutes;

g. A statement of all information establishing that the Protestor is an interested party for the purpose of filing a protest, and how the Protestor would be adversely affected by the University's proposed action;

h. A statement of the relief sought by the Protestor, stating precisely the action the Protestor wishes the University to take with respect to the protest; and

i. A copy of any documents or materials referenced or incorporated into the Formal Protest.

(g) Impact on Procurement Process.

1. Upon receipt of the Formal Protest by the Issuing Office, the Issuing Office will stop the solicitation or contract award process until the subject of the protest is resolved, unless the President sets forth in writing particular facts and circumstances which require the continuance of the solicitation or contract award process without delay in order to avoid an immediate and serious danger to the public health, safety or welfare.

2. The President/President's Designee may, in response to a Protest, terminate the contract procurement processes, terminate the solicitation process, and/or reject all bids. If any such

action is taken, the Protest shall be automatically dismissed, and the University may, if desired, reinstate the contract procurement process.

(h) University's Response to a Formal Protest. The University will file a notice with the Issuing Office of the name, phone number and email address for the attorney representing the University in the protest; the email address provided will be the email address used by the Issuing Office, the President, the President's Designee, the Presiding Officer, and the other parties for serving the University with notice, and documents and material related to the protest. The University may also file a written response to the Formal Protest with the Issuing Office within seven (7) days after the date the Formal Protest is filed.

(i) Right of Counsel. A party participating in the protest or appearing in a protest proceeding has the right, at the party's own expense, to be represented by counsel or by a qualified representative.

(j) Resolution by Mutual Agreement.

1. Informal Discussions. Following the timely filing of a Formal Protest and Solicitation Protest Bond, the university may hold informal discussions with the Protestor to resolve the protest by mutual agreement. Such discussions, if made available, will take place within seven (7) days, of the filing of the Formal Protest. The President/President's Designee has the authority to settle or resolve protests.

2. Time Tolerated. If informal discussions are scheduled, the time requirements related to this regulation are tolled for the period of time from the date the Formal Protest is filed until the date the last informal discussion is scheduled for or held.

3. Settlement Agreement. Unless prevented by law, if the parties reach a mutual agreement and a term in the settlement agreement conflicts with this regulation, the term in the settlement agreement will control.

4. Failure of Parties to Resolve by Mutual Agreement. If informal discussions are not held, or the informal discussions do not result in a mutual agreement between the parties, the protest shall proceed to either a summary proceeding or a quasi-judicial hearing, as appropriate.

(k) Determination of Appropriate Proceeding. When there is no resolution by mutual agreement, the President/President's Designee shall appoint a University Official, and the Initiating Office will forward all material filed by the parties to the University Official. The University Official will review the material filed by the parties that would be admissible in evidence to determine whether there are any disputed issues of material fact. If the protest contains no disputed issues of material fact, a summary proceeding is appropriate. If the protest contains disputed issues of material fact, a quasi-judicial hearing is appropriate.

(l) Summary Proceeding. If the protest contains no disputed issues of material fact, the University Official shall conduct a summary proceeding. The summary proceeding will be conducted within thirty (30) days after the date the Formal Protest was filed.

1. Notice of Proceeding. The University Official shall serve written notice on all

parties, such notice will allow the parties at least seven (7) days from the date of the notice to file with the University Official any documents, memoranda of law, or other written material (collectively referred to as “written material”) in support of or in opposition to the University’s action or refusal to act and to serve the other parties with a copy of the same. At the end of the seven (7) days, the University Official shall then serve a second notice to the parties stating that the parties have seven (7) days to file with the University Official and to serve the other parties with their written responses to the written material filed by the other parties.

2. **Informal Hearing.** The University Official may, in the University Official’s sole discretion, schedule an informal hearing on the matter for the purpose of taking oral evidence or argument. If the University Official schedules an informal hearing, the University Official shall serve the parties with written notice at least fourteen (14) days prior to the hearing, setting forth the place, date, and time of the hearing.

3. **University Official’s Recommended Order.**

a. The University Official will issue a Recommended Order to the President on whether the University’s proposed action is contrary to the applicable statutes, regulations, or policies governing the University, or to the Specifications. The University Official’s Recommended Order shall take into consideration only those documents and written materials filed by the parties, and if an informal hearing is held, information obtained as a result of the informal hearing;

b. The University Official’s recommended order shall be issued to the President within fifty (50) days after date the Formal Protest was filed. The University Official shall serve copies of the Recommended Order, along with the date the Recommended Order was issued, to the parties immediately after issuing the Recommended Order to the President;

c. The University Official shall also submit the recording of the informal hearing, if one was held, and all documents and written material filed in the matter to the President when issuing the Recommended Order.

4. **Exceptions to the University Official’s Recommended Order.** The parties may file written exceptions to the Recommended Order. The Parties must file any exceptions to the Recommended Order with the President within seven (7) days after the date the Recommended Order was issued.

5. **The Final Order.** The President shall enter a Final Order within twenty-one (21) days after the date the Recommended Order was issued. In deciding whether to follow or depart from the University Official’s Recommended Order, the President may consider the written materials and exceptions filed by the parties, and the recording of the informal hearing, if any. The President’s Final Order is the final decision of the University.

6. **Point of Entry.** Judicial review of the university’s final decision shall be in accordance with Florida Rule of Appellate Procedure 9.190(b) (3), applicable to review of quasi-judicial decisions of an administrative body not subject to the Administrative Procedure Act. A request for review may be made by filing a petition for certiorari review with the appropriate circuit court within thirty (30) days

after the date of the University's final decision. Failure to seek timely review shall constitute a waiver of the right to appeal the University's final decision.

(m) Quasi-Judicial Hearing. If the Formal Protest contains issues of material fact, the President/President's Designee shall refer the Formal Protest to a Quasi-Judicial Officer for a quasi-judicial hearing. The hearing shall be conducted within forty (40) days after the date the Formal Protest was filed.

1. Appointment of Quasi-Judicial Officer. Within seven (7) days after the date the Formal Petition was filed, the President/President's Designee shall appoint a Quasi-Judicial Officer or forward a request for hearing and such other documents, laws and regulations as may be required by the Florida Department of Administrative Hearings to the Department, and for assignment of an Administrative Law Judge to conduct a quasi-judicial hearing ("hearing").

2. Notice of Hearing.

a. Within seven (7) days after being appointed, the Quasi-Judicial Officer shall issue a Notice of Hearing, stating the time, date and location for the parties to present evidence and argument on the issues under consideration. The Quasi-Judicial Officer shall set a time and place for all hearings and shall serve written notice on all the parties;

b. The Quasi-Judicial Officer shall give no less than 14 days' notice of the hearing on the merits of the protest, unless otherwise agreed by the parties.

3. University Statement of Actions. Within seven (7) days after the appointment of the Quasi-Judicial Officer, the university shall file a written statement to the Quasi-Judicial Officer stating the actions (proposed actions, actions already taken, or refusal to take action are referred to as "actions") of the University, and a summary of the factual, legal, and policy grounds for such actions. The University shall immediately serve a copy of the Statement of Actions on the other parties.

4. Protestor's Response to University Statement of Actions. Within seven (7) days after the university provides the University Statement of Actions to the Quasi-Judicial Officer, the Protestor may file a written response to such statement with the Quasi-Judicial Officer. The Protestor shall immediately serve a copy of the Protestor's Response to the University's Statement of Actions on the other parties.

5. Discovery. After the assignment of the Quasi-Judicial Officer, the parties may obtain discovery through the means and manner provided in the Florida Rules of Civil Procedure 1.280 through 1.400. The Quasi-Judicial Officer may issue appropriate orders to effectuate the purposes of discovery and to prevent delay.

a. Each party must serve a list of evidence to the other parties at least seven (7) days prior to the first day of the hearing, along with a general description of how the party intends to use the evidence in the hearing;

b. Each party must file a witness list with the Quasi-Judicial Officer and serve the same on the other parties at least seven (7) days prior to the first day of the hearing. The parties must include a general description of how the party intends to use each witness in the hearing with the witness list.

6. De Novo Proceeding. The Quasi-Judicial Officer shall conduct a de novo proceeding to determine whether the university's decision or intended decision is contrary to the statutes, regulations, or policies governing the university, or contrary to the Specifications. The standard of proof for the proceedings shall be whether the proposed university action was clearly erroneous, contrary to competition, arbitrary, or capricious. However, if the protest is regarding the university's decision to reject all responses to a competitive solicitation, the standard of review shall be whether the University's intended action is illegal, arbitrary, dishonest or fraudulent.

7. Burden of Persuasion. The burden of proof rests with the party protesting the university action.

8. Conduct of Hearing. All parties shall have an opportunity to: present evidence; to respond to all issues involved; to conduct cross-examination and submit rebuttal evidence; and to submit proposed findings of fact and proposed orders.

a. The hearing shall be conducted in conformity with the Florida Rules of Civil Procedure and the Florida Rules of Evidence applicable to civil proceedings unless specifically contradicted by this regulation or otherwise agreed by the parties;

b. Each party shall have a minimum of fifteen (15) minutes to argue its position. The Protestor shall present its argument first and have the opportunity for rebuttal. At the Quasi-Judicial Officer's discretion, the University may have the opportunity for surrebuttal;

c. The Quasi-Judicial Officer has the right to question each party and any witnesses.

9. Recommended Order. The Quasi-Judicial Officer may request that the parties submit proposed findings of fact, conclusions of law, orders and memoranda on the issues within a time designated by the Quasi-Judicial Officer. No later than thirty (30) days after receipt of the hearing transcript, the Quasi-Judicial Officer shall issue a written Recommended Order to the President, and serve a copy on each of the parties.

10. Preliminary Order and Exceptions to the Preliminary Order. Within fourteen (14) days after the date the Recommended Order was issued, the President shall issue a Preliminary Order and serve the parties with a notice of such order. If the Protestor takes exception to the Preliminary Order, the Protestor must timely file its written exceptions with the President within fourteen (14) days after the date the Preliminary Order was issued. The Preliminary Order shall provide, "This Preliminary Order is the Final Order unless the Protestor files written exceptions to the Preliminary Order with the President no later than 14 days after the date this Preliminary Order is issued."

11. Final Order.

a. If no written exceptions are timely filed, the Preliminary Order is the Final Order;

b. If the Protestor timely files written exceptions, then within fourteen (14) days after the end of the 14 day period for filing exceptions to the Preliminary Order, the President will review the Preliminary Order and the timely filed exceptions and will render a Final Order;

c. The President's Final Order is the final decision of the University.

12. Point of Entry. Judicial review of the University's final decision shall be in accordance with Florida Rules of Appellate Procedure Rule 9.190(b) (3), applicable to review of quasi-judicial decisions of an administrative body not subject to the Administrative Procedure Act. A request for review may be made by filing a petition for certiorari review with the appropriate circuit court within thirty (30) days after the university's final decision. Failure to seek timely review shall constitute a waiver of the right to appeal the university's final decision.

(n) Computation of Time. In computing any period of time under this regulation or by order of a Presiding Officer, the day of the act from which the period of time begins to run shall not be included. The last day of the period shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is not a Saturday, Sunday or legal holiday. When the period of time allowed is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. Notwithstanding the above, this Section does not apply when computing the time period for filing the Notice of Intent to Protest as it is computed in accordance with Section (5)(b) of this regulation.

(o) Conflict. Following appointment of the University Official or the Quasi-Judicial Officer as the Presiding Officer of a protest proceeding, the attorney representing the university in the protest will not serve as legal advisor to the Presiding Officer until the protest proceedings are over (to include the period of time in which the final decision of the university can be appealed).

(p) Intervenors. Persons other than the original parties to a pending proceeding whose substantial interest will be affected by the proceeding and who desire to become parties may petition the Presiding Officer for leave to intervene. Except for good cause shown, petitions for leave to intervene must be filed with the Presiding Officer no later than 20 days after the date the Formal Protest was filed. The petition shall include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to a Board of Governors' or university's rule or regulation, or that the substantial interests of the intervenor are subject to determination or will be affected through the proceeding. The petition shall also include the email address of the intervenor/intervenor's counsel or representative; the email address provided will be the email address used by the President, the President's Designee, the Presiding Officer, and the other parties for serving the intervenor with notice, documents and materials related to the protest. If time permits, the parties may, within seven (7) days after service of the intervenor's petition, file a response in opposition to the petition with the Presiding Officer and serve the same on the other parties. The Presiding Officer may impose terms and conditions on the intervenor to limit prejudice to other parties.

(q) Presiding Officer Orders. The Presiding Officer may issue any orders necessary to effectuate discovery, to prevent delay, and to promote the just, speedy, and inexpensive determination of all aspects of the protest.

(r) Motions. All requests for relief shall be by motion. All motions shall be in writing unless made on the record during a hearing and shall fully state the action requested and the grounds relied

upon. The moving party shall file the motion with the Presiding Officer and serve a copy on the other parties. When time allows, the other parties may, within seven (7) days after service of a written motion, file a response in opposition and serve the same on the other parties. Written motions will normally be disposed of after the response period has expired based on the motion, together with any supporting or opposing memoranda. The Presiding Officer shall conduct proceedings and enter such orders as are deemed necessary to dispose of issues raised by the motion. Motions, other than a motion to dismiss, shall include a statement that the movant has conferred with the other parties of record and shall state whether any party has an objection to the motion. Motions for extension of time shall be filed prior to the expiration of the deadline sought to be extended and shall state good cause for the request.

(s) Evidence. In a protest to an invitation to bid or request for proposals procurement, no submissions made after the bid or proposal opening which amend or supplement the bid or proposal shall be considered. In a protest to an invitation to negotiate procurement, no submissions made after the University announces its intent to award a contract, reject all replies, or withdraw the solicitation which amend or supplement the reply shall be considered.

(t) Extensions or Continuances. The Presiding Officer may extend the time period for holding the hearing. The Presiding Officer may also grant a continuance of a hearing for good cause shown. Except in cases of emergency, requests for continuance must be made at least seven (7) days prior to the date noticed for the hearing.

(u) Records. The University shall accurately and completely preserve all testimony and evidence in the proceeding and upon the request of any party shall provide a copy of the testimony. The University may charge the cost of duplication to the requesting party. Proceedings shall be recorded by a certified court reporter or by recording instruments. Any party to a hearing may, at its own expense, provide a certified court reporter if the university does not. The Presiding Officer may provide a certified court reporter. At a hearing reported by a court reporter, any party who wishes a transcript of the testimony shall order the same at its own expense. If a court reporter records the proceedings, the recordation shall become the official transcript.

(v) Costs and Attorney Fees. If the Quasi-Judicial Officer determines that the non-prevailing party has participated in the hearing for an improper purpose, the Quasi-Judicial Officer may award attorney's fees and costs to the prevailing party, as appropriate. If the Quasi-Judicial Officer awards the University attorney's fees and/or costs, upon Protestor's payment of such costs, the University shall return the solicitation protest bond to the Protestor. "Improper purpose" means participation in the protest proceeding primarily to harass, cause unnecessary delay, frivolous purpose; needlessly increasing the costs of litigation, licensing, or securing the approval of an activity; or filing a meritless protest.

(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 purchasing department with delegated authority as specified in this regulation to select a contractor.

(f) Contract – Document issued by the purchasing 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, principle 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 purchasing 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 vendors 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 or 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 the purpose of selling them to the general 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 of time 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 vendor or responder. Individuals or businesses who 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 vendors 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) Vendor. 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 1-5-81, Formally 6C2-2.15, 6C2-2.015 Amended 11-4-87, 6-11-91, 12-21-93 , 10-20-99, 3-17-03, 9-19-2008, 6-25-2010, 3-7-2014

Revision Note-7-18-2014--Department and Director of Purchasing Services changed to Department and Director of Procurement Services as technical change.

FSU-2.0151 Supplier Diversity Program

(1) There is hereby created the Florida State University Supplier Diversity Program [“Program”]. Its purpose shall be to provide opportunities for small, minority, veteran and women owned business enterprises in the procurement of commodities, goods and services, and construction or related contracting within Florida State University.

(2) The Program shall be located within the Office of Procurement Services. The President has designated the Procurement Director or a designee to serve as the Program head responsible for establishing all Program policies and the staffing and strategies needed to achieve Program objectives.

(3) Program Statement of Intent. It is the intent of Florida State University to provide opportunities for businesses, including small, minority, veteran and women owned business enterprises, in the procurement for goods and services, and construction or related contracting. Also, this includes Florida businesses that are not minority or women-owned. In pursuing this intent, the Program shall establish policies and procedures within the University which will actively encourage unrestricted access to the procurement processes and business opportunities made available by the university to all such diverse members of the community.

(4) University Responsibility. Every employee who is delegated the responsibility to either directly or indirectly commit the expenditure of funds for the purchase of goods and services or otherwise providing business opportunities shall provide full assistance to the Program, consistent with the established policies and all applicable regulations, rules and laws.

Specific Authority BOG Regulation 1.001(3) (j), (7) History--New, 9-19-2008, Amended 6-12-2014

FSU-2.016 Purchasing of Insurance.

The acquisition of insurance coverage for the Florida State University regardless of the type or duration must be effected through the Insurance and Benefits Section of the University Personnel Relations Department. The procurement of insurance coverage for the University must be coordinated with the Board of Regents of the State University System as well as other State agencies. That coordination may only be accomplished by the Insurance and Benefits Section of the University Personnel Relations Department.

Specific Authority BOG Regulation 1.001(3)(j) Law Implemented 110.123, 287.022 FS. History–New 9-30-75, Formerly 6C2-2.16.

FSU-2.018 Control of Radiation Hazards.

(1) General. Each research investigator or instructor using radioactive material is responsible for its safe use and proper control in accordance with this operating procedure, common practice, and directives issued by the Radiation Control Committee. All persons working with radioactive material must have had formal instruction or experience, or be under the direct supervision of an individual who has experience in handling radioactive material. All proposed uses of radioactive material must be approved by the Radiation Control Committee before use is initiated. The University Radiological Safety Officer is the agent primarily responsible for the administration of the Radiation Safety Program.

(2) Obtaining approval to use Radioactive Material. Before engaging in experiments involving radioactive material for research or instruction, approval must be obtained from the Radiation Control Committee. Requests to use radioactive material in specific areas are to be submitted in duplicate on “Proposal for Use of Radioactive Materials” forms. The Radiological Safety Officer will assist in the completion of the form and will present the request to members of the Radiation Control Committee for evaluation. Approval will be granted if the Committee agrees that the proposed use satisfactorily meets adequate control and radiological safety requirements.

(3) Signs and Labels. Radiation warning signs bearing the American Standard Radiation Symbol and the proper wording must be posted in areas subject to radiation hazards. For proper posting of radiation signs identifying restricted areas, consult the Radiological Safety Officer. Containers of radioactive material must bear labels with the radiation symbol, the words “Caution (or Danger) Radioactive Material”, and a listing of the radioisotope, the quantities, and the date of measurement of the quantities. Additional information on or near the containers may be provided if it will help minimize radiation hazards. Containers that are used temporarily during laboratory radioactive work are to be labeled as “Radioactive.” The specific source of contamination does not need to be listed. Proper signs and labels may be obtained from the Radiological Safety Officer.

(4) Waste Disposal. Radioactive waste is not to be discarded by regular means of disposal, but only as directed by the Radiological Safety Officer.

Specific Authority BOG Regulation 1.001(3)(j) Law Implemented 120.53(1)(b) FS. History–New 9-30-75, Formerly 6C2-2.18.

FSU-2.022 Employee Debt Collection.

(1) Purpose. The purpose of this rule is to provide procedures for the recovery of non-salary sums due and owing to the University by its employees. Indebtedness to the University assessed pursuant to Board of Regents and University rules is considered indebtedness to the State of Florida. It is subject to enforcement by University rule. The purpose of this rule is to provide procedures for the recovery of non-salary sums due and owing to the University by its employees. Indebtedness to the University includes but is not limited to, delinquent accounts receivable, including student loans and registration fees; traffic or library fines; payment for the reasonable value of University property entrusted to an employee and not returned or otherwise accounted for; travel advances made to but not repaid by the employee; bad checks; and other similar obligations.

(2) Definitions.

(a) Debt – a specific sum of money owed by an employee to the University; a fixed and certain obligation to pay money; the debt may be a single obligation or an aggregate of separate debts.

(b) Employee – any part time or full time employee of the University paid by state warrant from salary appropriations or from agency funds.

(c) Settlement – an agreement to accept a sum of money or other consideration from a person as full discharge of the debt due to the University. The sum may be less than the total amount owed.

(3) All amounts of indebtedness shall be due and unpaid to the University before any action is taken against an employee.

(4) Initial attempts at collection. The department or its equivalent to which an employee has incurred a debt is responsible for the initial efforts to collect the amount of indebtedness. If the department is successful in collecting the debt no further action is required. If the department is unsuccessful in collecting the debt, it shall contact the Office of the University Controller for further action. The department shall forward to that office copies of all records and documentation of the indebtedness and of the efforts toward recovery. The information to be forwarded shall include:

(a) Name, home and campus addresses, and social security number of the person owing the debt.

(b) The original amount owed, plus any penalties or interest owed, and a record of any payments made.

(c) A brief description of the transaction which resulted in the debt, including relevant dates and time periods.

(d) A brief description of the efforts made to collect the debt.

(e) Any other pertinent information.

(5) Form of payment. Payment of indebtedness may be made by the individual or the individual's representative by money order, certified or cashier's check, cash, or payroll deduction from wages. Collection by personal check is discouraged but will be accepted.

(6) Means of Collection. The University Controller shall verify the amount of the indebtedness with the department head originating the charges and debt and establish the manner of its recovery. The

University Controller may employ one or more of the following means of collecting monies due the University:

- (a) Issue University collection letters.
- (b) Hold transcripts or current grades.
- (c) Withhold registration privileges at Florida State University.
- (d) Turn delinquent accounts over to a collection agency.

(e) After consultation with the University Attorney refer the debt to the Department of Banking and Finance of the State of Florida for prosecution by the appropriate state attorney under provisions of Section 17.20, Florida Statutes, or for assignment to a debt collection agent if that Department determines that approach to be cost effective.

(f) Seek a voluntary wage deduction from the employee. Each debt will be handled on an individual case basis. In the interest of fairness and equity, it is acknowledged that an individual who has incurred an indebtedness may be unable to pay the total amount in a lump sum. If such is the circumstance and the individual agrees to equitable partial payments over a limited period of time, the Controller may prepare a promissory note and proposed schedule of payments for the employee's signature. Any deduction authorization shall be kept in the permanent personnel file of the employee.

(g) If the employee refuses to voluntarily pay the indebtedness to the University, the Controller may initiate involuntary deductions from future salary payments due the employee, using the set-off procedures specified below until the total amount of indebtedness has been collected.

(7) Set-off Procedures. Involuntary wage deductions based on the common-law right of set-off shall be considered and used only where other reasonable efforts have failed.

(a) The employee who owes a debt to the University will be advised by certified letter (restricted delivery) from the University Controller's Office that he/she has ten calendar days from the receipt of the letter to either clear the account, make satisfactory payment arrangements, or submit documentary evidence disputing his/her debt. The employee shall be given an opportunity during normal business hours of the University to review the documentation and evidence of his/her indebtedness to the University and has the right to submit documentary evidence to refute the indebtedness within a reasonable time therefrom.

(b) If no arrangements for payment have been made by the end of the ten calendar day time period, all evidence of the employee's debt will be reviewed by the University Controller.

(c) If, upon that review, a verification of the debt is made and it is determined that an agreement as to voluntary payments or voluntary wage deductions cannot be reached with the employee, the employee will be notified by U. S. mail, of the fact set-off procedures will be implemented on a date certain, not sooner than 10 work days from receipt of the notice, and of the amount and duration of the deductions from his/her salary warrant. The employee will also be advised of his/her right to any administrative review of the decision to set-off his/her debt and deduct funds from the employee's paycheck, including rights under the provisions of Section 120.57, Florida Statutes.

(8) Amount of Payroll Deduction under Set-off Procedures.

(a) In the event that the total amount of the debt is less than 10% of the employee's biweekly gross salary, the full amount of the employee's debt may be deducted in the first or second pay period following the date of notification in subsection (6) above.

(b) If the amount of the debt is greater than 10% of the employee's gross biweekly salary, the amount deducted each period may be up to 10% of the employee's gross salary but will not exceed 20% of the employee's net salary after mandatory deductions.

(9) In the event an employee-debtor is terminated, abandons employment, voluntarily leaves the University, or dies while in University employment, the amount of the debt, up to the total of the net salary less \$1.00, will be deducted from the employee's final salary payment or from the employee's terminal leave payments.

(10) Settlement of Delinquent Accounts. The University President or his designee may settle delinquent accounts after all reasonable and lawful collection attempts have failed.

(11) Write-off of Uncollectible Debts. The President may write-off a debt as uncollectible after all reasonable and lawful collection attempts have failed.

Specific Authority BOG Regulation 1.001(3)(j) Law Implemented 240.227(1), 240.291 FS. History—New 4-14-86. Cf. Rules FSU-2.009, FSU-2.0091, FSU-2.005, FSU-2.006, FSU-2.007, FSU-2.010, FSU-3.037, FSU-4.007, FSU-4.061, FSU-4.063, FSU-6.008, FSU-6.009, FSU-6.014, F.A.C., Sections 215.34, 240.459, 240.415, 240.499, 240.451 F.S.

FSU-2.0225 Direct Deposit Program

(1) Direct Deposit is the electronic transfer of net salary and travel expense reimbursements into Florida State University employees' personal checking or savings account at a United States financial institution.

(2) All employees, including temporary hires and non-work study students, are required to participate in the Direct Deposit Program as a condition of employment, regardless of date of hire, as follows:

(a) Employees must submit the Florida State University Direct Deposit Authorization Form (PR-06) as part of their original hiring packet. This can be accomplished by either forwarding the Direct Deposit Authorization form to Payroll Services for input into OMNI or the employee can enter their own information by utilizing the OMNI Self Service function. The Direct Deposit Authorization form can be obtained from the Office of Payroll Services, The Office of Human Resources, or their related websites.

(b) Employees are required to submit a new Direct Deposit Authorization Form to the Office of Payroll Services should there be a change in their financial institution, rehired, or have not been paid for more than ninety days.

(c) Employees are not required to re-submit a Direct Deposit Authorization Form when changing hiring authorities, pay plans or job titles within Florida State University

(d) By Federal Regulations, Work-Study students are not required to participate in the Direct Deposit Program, but strongly encouraged by Florida State University to participate.

(e) The direct deposit data remains active in the office of Payroll Services until it is changed or canceled by the employee, the employee's financial institution or Florida State University.

(3) Employees who are unable to establish an account at a financial institution must contact the Office of Payroll Services to discuss their options for obtaining cash pay (debit card) account with one of the area's local financial institutions.

Specific Authority BOG Regulation 1.001(3)(j) Law implemented 1001.74(3), (5) F.S. History-New 2-19-2010

FSU-2.023 Public Records: Uniform Charge Procedure.

(1) This rule constitutes the University's uniform procedure for the assessment and collection of charges for the duplicating or copying of public records, at the request, or for the benefit of, any individual citizen or non-University-related, non-state agency organization or enterprise.

(2) In construing this rule where context will permit:

(a) The following terms are defined by the provisions of Section 119.011, F.S.:

1. "Public Records";
2. "Criminal Intelligence Information";
3. "Criminal Investigative Information".

(b) "Directory Information – Students".

1. This term consists of, and applies to the following information on a student:

- a. Name, date and place of birth;
- b. Local address;
- c. Permanent address;
- d. Telephone listing;
- e. Classification;
- f. Major field of study;
- g. Participation in official University activities and sports;
- h. Weight and height of members of athletics teams;
- i. Dates of attendance at the University;
- j. The most recently attended educational institution;
- k. Degrees, Honors and Awards Received.

2. Directory information on students may be released or published by the University without prior written consent of the student, unless exception is made in writing by the student.

(3) Records Exempt from Public Inspection. The University can not provide those records exempt from public disclosure by Section 119.07(3), F.S., or any other general law or special act when such laws or acts are applicable to an activity of the University. Exempt records of the University include:

- (a) Criminal intelligence records.

- (b) Criminal investigation records.
 - (c) Faculty and Staff performance evaluation records.
 - (d) Certain student records, including those in the academic permanent folder, excluding directory information as defined herein.
 - (e) Records of the Thagard Student Health Center and Counseling Center.
 - (f) Records of the University Attorney prepared for or in anticipation of adversarial criminal, civil or administrative proceedings.
 - (g) Sealed bids and response to requests for proposals, prior to their opening.
 - (h) Documents regarding negotiations for acquisition of real estate.
 - (i) Data processing software obtained under a licensing agreement which prohibits disclosure.
 - (j) Trade Secrets.
 - (k) Complaints and other records relating to a complaint of discrimination involving race, color, religion, sex, national origin, age, handicap, marital status, hiring practices, position classification, salary benefits, discipline, discharge, evaluation, or other related activities.
 - (l) The records of Research and Grants.
 - (m) The records of direct support organizations such as the Florida State University Foundation, and the Seminole Boosters.
- (4) Uniform Charge Procedure.

(a) Persons or organizations making requests for copies of public records shall reimburse the University for applicable costs, prior to receipt of the copies. If the nature or volume of the record(s) is such as to require extensive clerical or supervisory assistance by University personnel in addition to the cost of duplication, a special service charge shall be assessed based on labor costs as provided herein. Charges for copying public records shall be levied and collected by the custodian of the records reproduced.

(b) Private citizens or private organizations shall be assessed a charge of 15 cents per one sided copy, and an additional 5 cents per two-sided copy. Each printed side of a copy shall count as a page.

(c) When University personnel time or supervisory assistance devoted to researching, retrieval or copying of University records or use of information technology resources exceeds thirty minutes, it shall be considered extensive use of information technology resources or extensive clerical or supervisory assistance. In such case, the University may charge, in addition to the actual cost of duplication, a special service equal to the reasonable actual costs incurred.

(d) "Computer" tape or disk shall be at cost, plus cost for personnel and supervisory assistance, if any.

(5) Processing Payment for Copies.

(a) Fees assessed for the copying of public records shall be paid prior to the requester receiving the copies. Payment may be made by cash or check.

(b) All monies collected from such transactions shall be deposited with the University Cashier, using the standard University deposit slip, FSU Form DT118 (Rev. 6-73), incorporated herein by reference and available to record custodians from the University Printing and Postal Services office. The Cashier's Office

requires only an original of the Deposit Slip.

(c) Depositors will use the Revenue Object Code 001901. The Explanation of Deposit on Form DT118 will be used to identify record revenues from transactions exceeding ten pages of printed copy or services rendered in excess of thirty minutes. Originators of the completed Deposit Slip may make copies of Form DT118 for departmental records and they may also be utilized by a custodian as a receipt for payment made and information received.

Specific Authority BOG Regulation 1.001(3)(j) Law Implemented 119.07(1), 1002.22, 1004.22, 1006.52, 1012.91 FS. History–New 7-15-93, Amended 11-22-98.

FSU-2.024 Tuition and Fees.

The following tuition and fees shall be levied and collected in U.S. dollars for each student regularly enrolled, unless specifically provided otherwise, for Fall 2014 , Spring 2015, Summer 2015, Per Credit Hour in U.S. Dollars

[Note: Graduate references all graduate degree programs and areas other than as may be specifically provided such as Medicine, Law, Other Professional Programs.Effective date applies to all but Medicine]

Main Campus

	Undergraduate	Graduate
Tuition	105.07	403.51
Tuition Differential	49.59	
Student Financial Aid Fee	5.25	20.17
Capital Improvement Trust Fund Fee	4.76	4.76
Athletics Fee	7.90	7.90
Activity & Service Fee	12.86	12.86
Student Health Fee	13.97	13.97
Transportation Access Fee	8.90	8.90
Student Facility Use Fee[+ 20.00/semester]	2.00	2.00
Technology Fee	5.25	5.25
Total Per Credit Hour (PCH) Resident Rate	215.55	479.32
Student Facility Use Fee per Semester	20.00	20.00

Out-of-State Fees

Total PCH Resident Rate	215.55	479.32
Out-of-State Fee	481.48	601.34
Out-of-State Student Financial Aid Fee	24.07	30.06
Total PCH Out-of-State Rate	721.10	1,110.72
Student Facility Use Fee Per Semester	20.00	20.00

Law

Tuition	602.36
Student Financial Aid Fee	30.11
Capital Improvement Trust Fund Fee	4.76
Athletic Fee	7.90
Activity & Service Fee	12.86
Student Health Fee	13.97
Transportation Access Fee	8.90
Student Facility Use Fee	2.00
Technology Fee	5.25
Total PCH Resident Rate	688.11
Student Facilities Use Fee Per Semester	20.00

Out-of-State Fees

Total PCH Resident Rate	688.11
Out-of-State Fee	635.31
Out-of-State Student Financial Aid Fee	31.76
Total PCH Out-of-State Rate	1,355.18
Student Facility Use Fee Per Semester	20.00

Panama City Campus

	Undergraduate	Graduate
Tuition	105.07	
	403.51	
Tuition Differential	49.59	
Student Financial Aid Fee	5.25	
	20.17	
Capital Improvement Trust Fund Fee	4.76	
	4.76	
Athletics Fee	0.69	
	0.69	
Activity & Service Fee	9.88	
	9.88	
Student Health Fee		
Technology Fee	5.25	
	5.25	
Total PCH Resident Rate	180.49	
444.26		
Out-of-State Fees		
Total PCH Resident Rate	180.49	
	444.26	
Out-of-State Fee	481.48	
601.34		
Out-of-State Student Financial Aid Fee	24.07	
30.06		
Total PCH Out-of-State Rate	686.04	
	1,075.66	

Sarasota Campus

	Undergraduate	Graduate
Tuition	105.07	403.51
Tuition Differential	49.59	
Student Financial Aid Fee	5.25	20.17
Capital Improvement Trust Fund Fee	4.76	4.76
Athletics Fee	0.69	0.69
Activity & Service Fee	11.69	11.69
Student Health Fee		
Technology Fee	5.25	5.25
Total PCH Resident Rate	182.30	446.07
Out-of-State Fees		
Total PCH Resident Rate	182.30	446.07
Out-of-State Fee	481.48	601.34
Out-of-State Student Financial Aid Fee	24.07	30.06
Total PCH Out-of-State Rate	687.85	1,077.97

Medicine

In State Fees Assessed:

**Following assessed per
year**

Tuition	21,139.74
Tuition (eff. Spring Summer 2015)	22,408.12*
Student Financial Aid Fee	1,056.98
Student Financial Aid Fee (eff. Spring Summer 2015)	1,120.41*
Capital Improvement Trust Fund Fee	190.40
Athletics Fee	284.40
Activity & Service Fee	462.96
Student Health Fee	502.92

Following assessed per credit hour

Technology Fee	5.25
Transportation Access	8.90

Following assessed per semester and per credit hour

Student Facility Use Fee	20.00/semester 2.00/credit hour
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Out-of-State Fees (Per Year)

Out-of-State Fee	32,905.90
Out-of-State Student Financial Aid Fee	1,645.29

*Increases do not apply to Summer-Fall 2014

College of Medicine Notes:

Out-of-State Fees are assessed per year to Out-of-State Students in addition to all In-State tuition and fees.

The academic year for the College of Medicine consists of the Summer then Fall then Spring Semesters (differing from the Fall start for the rest of the University).

The tuition and fees set forth above apply to the applicable year beginning with the Summer Semester through the Spring Semester. Tuition increases for the rest of the university are always effective beginning the Fall Semester and not set until after assessment for the College of Medicine has begun. Therefore, the amount billed for Summer Semester will be one-third of the yearly rate set for the general university academic year in which the Summer Semester falls. The amount billed for remaining Fall and Spring Semesters of that year will be adjusted to achieve the stated total for these three Semesters based on the yearly rate applicable to the Fall and Spring Semesters. Financial Aid Fees are based upon a percentage of assessed tuition.

The Capital Improvement Trust Fund Fee is established based on 40 credit hours per year. Local fees (Athletics, A&S and Health) are assessed based on 36 credit hours per year.

The Student Facilities Use Fee is \$20/semester plus \$2.00 per credit hour per semester. It is only assess the first two years as COM students are studying completely *off* campus the second two years.

The Transportation Access Fee, Technology Fee and Green Fee are calculated per credit based on actual hours enrolled.

Any student approved to attend fewer than six credit hours in a Semester will pay the tuition and fees at the rate charged a Resident Graduate Student for the actual number of credit hours; any student taking six or more hours will pay the full rate as provided herein for tuition and fees.

Other Professional Programs

Master of Science-Nurse Anesthesia (Panama City Campus)-per semester

Tuition	8475.00
Student Financial Aid Fee	423.75
Capital Improvement Trust Fund Fee	51.12
Athletics Fee	8.26
Activity & Service Fee	118.56
Technology Fee	423.75

Specific Authority; Art. IX, Sec 7, Florida Constitution, BOG Regulation 1.001(3) Law Implemented: BOG Regulation 7.001;s. 1009. 24, Florida Statutes History-New 7-21-05, Amended, 9-21-05, 1-30-2007, 6-14-2007, 11-29-2007, 6-13-2008, 2-25-2009, 6-17-2009, 6-25-2010, 9-9-2011, 9-7-2012, 6-7-2013, 6-27-2014, 11-21-2014

FSU-2.0241 Tuition and Fees for Repeated Enrollment in College Credit Courses.

(1) A student enrolled in the same undergraduate college-credit course more than twice shall pay tuition and fees at 100 percent (100%) of the full cost of instruction and shall not be included in the calculations of full-time equivalent enrollment for funding purposes.

(2) Students who withdraw from or fail a class due to extenuating circumstances of extreme financial burden, significant university error, documented medical emergency, call to active medical emergency or what would be considered an act of God or force majeure under standard contract law will be granted an exception only once for each class.

Specific Authority BOG Regulation 1.001(3)(j) ; Reg. Procedure July 21, 2005) FS. Law Implemented 1009.285 FS. History–New 5-5-03.

FSU-2.02410 Internet Payment of Tuition and Fees.

Students may make payment of tuition and fees via the Internet. Customers using this mode of payment will be assessed a convenience fee for this service. The convenience fee is non-refundable.

Specific Authority BOG Regulation 1.001(3)(j) ; Reg. Procedure July 21, 2005. Law Implemented 1001.74(24) FS. History–New 5-5-03.

FSU-2.02411 Third Party Tuition and Fee Billings.

(1) Students who have a third party agency (i.e., employer, governmental agency, etc.) paying all or part of their tuition and fees are required to submit an Agency Billing Card plus a Letter of Authorization from the third party billing agency by the fifth (5th) day of each semester. Students who do not meet these requirements will be assessed the late payment fee.

(2) Students who have a third party billing agency paying all or part of their tuition and fees and who are also receiving financial aid but have not completed the requirements in subsection (1) above by the fifth day of the semester, will have their tuition and fees deducted from their financial aid. In such instances, a refund will not be issued until after the third party billing agency payment is received by The Florida State University.

(3) If the agency has not paid tuition and fees by the end of the semester, the student is required to pay all outstanding tuition and fees in full before any additional university services will be granted and the late payment fee will be assessed.

(4) If a third party billing agency pays only a portion of the student tuition and fees due, the student is responsible for ensuring that any remaining balance of tuition and fees are paid from other financial aid sources or other personal sources by the fee payment deadline. Failure to meet this requirement will result in the assessment of the late payment fee.

(5) Agency billings for tuition and fees must be reported on the student's financial aid application as a financial resource to avoid an over-award of financial aid from occurring. Any financial aid over-award will be on the student's billing statement and must be repaid before further university services will be granted.

(6) It is the primary responsibility of the student to ensure that their tuition and fees are paid in full or properly deferred by published deadlines to avoid assessment of the late payment fee.

Specific Authority BOG Regulation 1.001(3)(j) ; Reg. Procedure July 21, 2005 Law Implemented 1009.24(12)(e) FS. History–New 5-5-03.

FSU-2.02412 Financial Aid and Tuition and Fee Payment.

Financial aid students must settle their tuition and fee bill according to the published deadline by verifying that either financial aid has arrived on time or a deferment has been granted until the financial aid does arrive.

Specific Authority BOG Regulation 1.001(3)(j) ; Reg. Procedure July 21, 2005 Law Implemented 1001.74(10) FS. History–New 5-5-03.

FSU-2.02413 Florida Prepaid College Program.

(1) Students paying tuition and fees using the Florida Prepaid College Program must pay the balance, if any, before the fee payment deadline to avoid being charged a late payment fee.

(2) Students are responsible for paying any material and supply fees (also referred to as lab fees), the transportation-access fee, late fees, if assessed, and any other applicable fees not included in the Florida Prepaid College Program. Such fees must be paid by the fee payment deadline unless financial aid has been awarded to the student. Failure to pay such fees by the fee payment deadline will result in the late payment fee assessment.

Specific Authority BOG Regulation 1.001(3)(j) ; Reg. Procedure July 21, 2005 Law Implemented 1001.74(10), 1009.97 FS. History–New 5-5-03.

FSU-2.02414 Fee Waivers.

(1) The Florida State University Board of Trustees is authorized to waive tuition and fees for purposes which support and enhance the mission of the university.

(2) In addition to tuition and fees waived by Sections 112.191, 112.19,112.1915, 1009.26 and 1009.265, F.S., the Board of Trustees will authorize waiver of tuition and fees defined in paragraphs FSU-2.024(1)(a), (b), F.A.C., above for purposes which support and enhance the mission of the university.

(3) The Board of Trustees is authorized to waive tuition and fees as discussed below:

(a) Tuition and fees will be waived by the president or president's designee for participants in sponsored institutes and programs where substantially all the direct costs are paid by the external sponsoring agency, where there is no direct expenditure of Educational and General funds for the conduct of programs, and where no fees or other assessments are collected from the students, by the sponsoring agency, the university, or any other entity. In determining whether the direct costs are paid by the sponsoring agency, funds paid directly to the participants in a form such as, but not limited to, stipends, travel or book allowances should not be taken into account. "Direct costs" refer to the costs associated with the instruction or training which a participant receives. All funds collected from sponsoring agencies for sponsored credit institutes will be remitted to the university's contract and grant trust fund and/or auxiliary trust funds. Neither the number of participants nor student credit hours in these institutes and programs may be counted for state-funding purposes. The waivers granted herein for nonresident fees are in addition to the non-resident waivers appropriated annually by the Legislature.

(b) Tuition and fees shall be waived for the following:

1. Children and spouse of law enforcement officers or firefighters killed while performing certain duties pursuant to Sections 112.19(3) and 112.191(3), F.S.;
2. Any graduate student enrolled in a state-approved school psychology-training program pursuant to Section 1009.26(2), F.S.
3. Certain members of the Florida National Guard pursuant to Section 1009.26(8), F.S.
4. Full-time university employees who meet academic requirements to enroll in up to 6 credit hours of tuition-free courses per term on a space available basis. When applicable, the non-resident tuition fee is also waived.
5. State employees may enroll for up to 6 credit hours of courses per term on a space available basis.
6. Non-resident students who are non-degree seeking are entitled to waiver of the non-resident fee if the hours generated by such students are non-fundable and the cost of the program of study is recovered from the fees charged to the students.
7. Intern Supervisors – Persons who supervise interns for institutions with the State University System may be given one non-transferable certificate (fee waiver) for each full academic term during which the person serves as an intern supervisor. This certificate will define what portion of tuition and fees are to be waived.
8. Florida residents 60 years of age or older are entitled to waiver of tuition and fees as provided by Rule FSU-2.0245, F.A.C., and Section 1009.26(4), F.S.
9. Children of Deceased Teachers and School Administrators – Waives tuition and fees for a total of 120 credit hours for eligible children of parents killed or injured and died as a result of an unlawful and intentional act of violence inflicted by another person.

10. Matriculation Fees can be waived for non-resident fees and matriculation fees for undergraduates, graduate assistants, and fellowships when deemed appropriate, provided that provisions for such waiver are approved by the Board of Trustees.

11. The University shall waive the activity and service fee, health fee, athletic, and materials and supply fees assessed on a per credit hour basis, for credit hours for which the tuition and fees are waived in accordance with the provisions of this rule. The university shall waive the activity and service, health, athletic, and material and supply fees assessed on a per credit hour only if a student's tuition and fees are waived for all credit hours. If a student pays a portion of the assessed tuition and fees, that student shall pay in full, the activity, health, athletic, and material and supply fees assessed on a per credit hour basis.

12. The University shall waive all tuition and fee components assessed for credit hours for which tuition is waived. The university shall also waive the activity and service, health, athletic, and materials and supply fees assessed on a credit hour basis only if a student's tuition and fees are waived for all credit hours for which the student is enrolled.

(4) The State Board of Education may provide for waiver of the following fees as provided by legislative action:

- (a) Non-Resident Fees;
- (b) Matriculation Fees for undergraduates, graduate assistants, and fellowships.

(5) The Board of Trustees will waive the following additional fees:

- (a) Late Registration Fees;
- (b) Late Payment Fees;
- (c) Transportation and Access Fees;
- (d) Application Fees; and
- (e) Other miscellaneous fines, fees, and penalties.

(6) All or any part of the tuition and fees and the material and supply fees (lab fees) may be waived by the university when deemed appropriate, provided that such provisions for waiver are included in Florida Statutes or the rules of the State Board of Education. No component of tuition may be waived unless specified by rule or statute.

(7) The following students are exempt from paying tuition and fees:

(a) Students enrolled in a dual enrollment or early admissions program that earn credit in courses toward both a high school diploma and an associate or baccalaureate degree pursuant to Section 1009.25(1)(b), F.S.

(b) Students who earn credit in courses toward both a high school diploma and an associate or baccalaureate degree.

(c) A student to whom the state has awarded a Road-to-Independence Scholarship, or who is, or was at the time he or she reached 18 years of age, in the custody of a relative under Section 39.5085, F.S., or who is adopted from the Department of Children and Family Services after May 5, 1997.

(d) A student enrolled through the Florida Linkage Institutes Program pursuant to Section 288.8175(5)(b), (6), F.S.

(e) Homeless Students – An eligible student who lacks a fixed, regular, and adequate nighttime residence as provided by Section 1009.25(2)(e), F.S.

(f) The University will waive the out-of-state per credit hour fees for qualified graduate students from the Alabama and Georgia counties listed below, provided those students pay a \$20.00 differential out-of-state fee per credit hour: in Alabama-Baldwin, Barbour, Clarke, Coffee, Conecuh, Covington, Crenshaw, Dale, Escambia, Geneva, Henry, Houston, Mobile, Monroe, Pike and Washington; in Georgia- Baker, Decatur, Early, Miller and Seminole.

Specific Authority BOG Regulation 1.001(3)(j) ; Reg. Procedure July 21, 2005. Law Implemented 112.19, 112.191, 112.1915, 1009.24(4), 1009.25, 1009.26, 1009.265 FS. History–New 5-5-03, Amended 10-21-04.

FSU-2.02415 Late Fee Waivers.

(1) Requests for waiver of the Late Registration Fee may be submitted to Current Records, Office of the University Registrar.

(2) Requests for waiver of the Late Payment Fee may be submitted to the Office of Student Financial Services.

(3) Late Fee waivers will be granted in extenuating circumstances of extreme financial burden, significant university error, documented medical emergency, call to active medical emergency or what would be considered an act of god or force majeure under standard contract law beyond the control of the student. Students are required to present written documentation of the circumstances involved.

Specific Authority BOG Regulation 1.001(3)(j) ; Reg. Procedure July 21, 2005 Law Implemented 1009.24(13)(e) FS. History–New 5-5-03.

FSU-2.02416 Student Residency.

(1) For the purposes of assessing tuition and fees, resident and non-resident status shall be determined as provided by Section 1009.21, F.S., and Rule 6C-7.005, F.A.C.

(2) An individual shall not be classified as a Florida resident, for fee-paying purposes, and shall not be eligible to receive the resident tuition rate, until the individual has provided satisfactory documentation to substantiate his or her legal Florida residence and domicile to appropriate university officials.

(3) Documentation required by the university to establish eligibility for Florida resident status, for tuition and fee purposes, shall include, but is not limited to, the student or dependent student's parent/legal guardian providing a residency statement, proof of independent or dependent status, a copy of his/her Florida voter registration, automobile registration, driver's license, rent receipts or mortgage receipts, and any other relevant materials deemed necessary by the university to support his/her claim for Florida resident eligibility.

(4) The applicant or dependent applicant's parent/legal guardian must have maintained 12 months of residency in Florida immediately prior to his/her enrolling at The Florida State University. Merely maintaining a temporary residence or abode incident to enrollment in the university does not qualify the student to be classified as a Florida resident for tuition and fee paying purposes.

(5) The following students shall be classified as Florida residents for tuition and fee paying purposes:

(a) Persons married to legal Florida residents and who intend to make Florida their permanent home;

(b) The legal residence of a dependent child whose parents are divorced, separated, or otherwise living apart will be deemed to be a resident of this state if either parent is a legal resident of this state, regardless of which parent is entitled to claim, and does in fact claim, the minor as a dependent pursuant to federal individual income tax provisions;

(c) A dependent child living with an adult relative other than the child's parent may qualify as a resident for tuition purposes if the adult relative is a legal resident for tuition purposes and the provided child has resided continuously with such relative for the five years immediately prior to the child's qualification, during which time the adult relative has exercised day-to-day care, supervision, and control of the child;

(d) Active duty members of the Armed Services of the United States residing in or stationed in this state, their spouses, and dependent children, and active duty members of the Florida National Guard who qualify under Section. 250.10(7) and (8), F.S., for the tuition assistance program;

(e) Active duty members of the Armed Services of the United States, and their spouses attending The Florida State University within 50 miles of the military establishment where they are stationed, if such military establishment is within a county contiguous to Florida;

(f) Students living on the Isthmus of Panama, who have completed 12 consecutive months of college work as Florida State University students in Panama, and their spouses and dependent children;

(g) Full-time instructional and administrative personnel employed by state public schools, community colleges, and institutions of higher education as defined in Section 1000.04, F.S., and their spouses and dependent children;

(h) Students from Latin American and the Caribbean who received scholarships from the Federal or state government, providing the student attends a Florida institution of higher education;

(i) The Southern Regional Education Board's Academic Common Market graduate students attending Florida's state universities;

(j) Full-time employees of state agencies or political subdivisions of the state when the student tuition and fees are paid by the state agency or political subdivision for the purpose of job-related law enforcement or corrections training;

(k) McKnight Doctoral Fellows and Finalists who are United States Citizens;

(l) United States Citizens living outside the United States who are teaching at a Department of Defense Dependent School or in an American International School and who enrolls in a graduate level education program which leads to a Florida Teaching Certificate;

(m) Activity duty members of the Canadian military residing or stationed in Florida under the North American Air Defense (NORAD) agreement, and their spouses and dependent children, attending The Florida State University within 50 miles of the military establishment where they are stationed.

(6) Section 1009.21, F.S., contains additional provisions for establishing and maintaining Florida resident status for tuition and fee paying purposes.

(7) Appeal from a determination denying “resident for tuition purposes” status to applicant therefore may be initiated after appropriate administrative remedies are exhausted by the filing of a petition for review pursuant to Section 120.68, F.S.

(8) Any student granted status as a “resident for tuition purposes,” which status is based on a sworn statement, which is false, shall upon determination of such falsity, be subject to such disciplinary sanctions as may be imposed by the president of the university as provided in the Student Conduct Code, Rule FSU-3.004, F.A.C.

Specific Authority BOG Regulation 1.001(3)(j) ; Reg. Procedure July 21, 2005 Law Implemented 1009.21 FS. History--New 5-5-03.

FSU-2.02417 Refunds of Tuition and Fees.

(1) Students who officially withdraw from the university prior to the end of drop/add will be eligible for a refund of 100 percent of tuition assessed, adjusted for waivers and any other outstanding charges.

(2) Students will be eligible for a refund for a situation in which the university determines it is in substantial, prejudicial error. The amount of a payment in excess of the adjusted assessment may be refunded.

(3) Students who drop a course(s) without tuition and fee liability after their tuition and fees have been paid will be eligible for a refund in extenuating circumstances of extreme financial burden, significant university error, documented medical emergency, call to active medical emergency or what would be considered an act of god or force majeure under standard contract law. Any amount in excess of the amount owed the university during the semester/term will be carried forward and may be applied against subsequent charges or may be refunded on request of the student. Any outstanding charges owed to the university will be deducted from eligible refunds and the balance will be issued as a refund to the student.

(4) Students who have not received Federal financial aid and withdraw after the fifth (5th) day of the semester and prior to the end of the fourth (4th) week of the semester (or for summer sessions by the first twenty-five percent (25%) of the term) are eligible for a twenty-five percent (25%) refund of tuition and fees paid. After the end of the fourth (4th) week of classes, no further refunds shall be made except as follows:

(5) Full refunds of tuition and fees paid will be granted in instances of withdrawal from the university under the following conditions:

(a) Student withdrawal from courses due to military service;

(b) Death of the student or death in immediate family (parent, stepparent, spouse, child, sibling or grandparent);

(c) Illness of the student of such duration or severity, as confirmed in writing by the attending physician, that his/her completion of the term is precluded;

(d) Cancellation of a course by the university for which the student is registered for and has paid tuition and fees.

(e) Other exceptional circumstances that could not have been foreseen and are beyond the control of the student upon approval by the University Refund Committee.

(f) Refund requests based on official withdrawals must be submitted to the Office of Student Financial Services within six (6) months from the end of the term from which the student withdrew in order for the refund request to be processed. Refund requests received later than this specified time will not be considered by the Refund Committee.

Specific Authority BOG Regulation 1.001(3)(j) ; Reg. Procedure July 21, 2005. Law Implemented 1001.74(1), (2), 1009.24 FS. History–New 5-5-03.

FSU-2.02418 Student Withdrawals From Courses Due to Military Service.

Any student enrolled in a postsecondary course(s) at The Florida State University shall not incur academic or financial penalties by virtue of performing military service on behalf of our country. Such student shall be permitted the option of either completing the course or courses at a later date without penalty or withdrawing from the course or courses with a full refund of fees paid. If the student chooses to withdraw, the student's record shall reflect that the withdrawal was due to active military duty.

Specific Authority BOG Regulation 1.001(3)(j) ; Reg. Procedure July 21, 2005 Law Implemented 1004.07 FS History–New 5-5-03.

FSU-2.02419 Withdrawals and Return of Financial Aid.

(1) Students who withdraw and have received Federal financial aid (Title IV Programs) or state financial aid will be required to repay to the appropriate program, the amount of unearned financial aid funds disbursed to him/her as of their withdrawal date.

(2) Title IV programs includes Pell Grants, Perkins Loans, Supplemental Educational Opportunity Grants (FSEOG), Stafford Loans (subsidized and unsubsidized), and Parent Loans (the Federal PLUS Loan Program).

(3) The unearned amount of program funds is calculated based on the percentage of the semester completed before the date of withdrawal.

(4) Both the university and students receiving certain financial aid are required to return the unearned financial aid to the Federal government.

(5) The university is required to return the unearned portion of the Title IV funds and certain state aid it received from withdrawing students that was used to pay institutional charges, such as tuition, fees, housing, and other educationally-related expenses, assessed by the institution.

(6) The funds returned to the Federal government by the university will reduce the student's total liability of unearned funds. However, students will owe the university the amount returned to the government for institutional charges.

(7) Students must repay the unearned Title IV funds to any Title IV loan program in accordance with the terms of their loan. For Title IV loan programs, unearned grant program funds are considered overpayments and students are required to return fifty percent (50%) of the grant(s). Students who owe grant overpayments remain eligible for Title IV program funds for forty-five (45) days, if during those 45 days, the student: (1) repays the overpayment in full to the university, or (2) enters into a repayment agreement with the university. However, entering into a repayment agreement does not mean the student is eligible to register for additional courses, receive academic transcripts, or a diploma, etc.

(8) Students can lose Title IV financial aid eligibility if they do not comply with the requirements above.

Specific Authority BOG Regulation 1.001(3)(j) ; Reg. Procedure July 21, 2005. Law Implemented 1001.74(1), (2), FS. History–New 5-5-03.

FSU-2.0242 Registrations for Zero Hour.

Registration for zero credit-hour provides for examinations, graduations, use of facilities, etc., when deemed appropriate by the institution. The student is assessed Resident tuition and fees for one credit hour. If the student is simultaneously registered for other credit courses, the charge for the zero-hour registration will not be assessed.

Specific Authority BOG Regulation 1.001(3)(j) ; Reg. Procedure July 21, 2005 Law Implemented 1009.24(13)(d) FS. History–New 5-5-03.

FSU-2.02420 Exit Interviews.

(1) Federal and university regulations require that all recipients of Federal loans participate in an exit interview counseling session upon graduating, withdrawing from the university, or dropping below six (6) credit hours of enrollment.

(2) These loan programs include Perkins (NDSL), Subsidized Stafford (GSL), Unsubsidized Stafford (USGL) and SLS loans.

(3) Failure to complete this procedure will preclude the student from registering for classes, receive academic transcripts, or receive a diploma.

Specific Authority BOG Regulation 1.001(3)(j) ; Reg. Procedure July 21, 2005. Law Implemented 1001.74(1) FS., 34 C.F.R. 674.42. History–New 5-5-03.

FSU-2.02421 Tuition and Fee Assessments and Remittance.

(1) Building Fee and Capital Improvement Fee shall be remitted to an appropriate fund designated by the State Board of Education and utilized as provided in Section 18, Chapter 94-292, Laws of Florida.

(2) Except for the Building and Capital Improvement Fees, the university shall retain all components of the student tuition and fees as well as all other fines, fees, and penalties authorized and collected by the university.

Specific Authority BOG Regulation 1.001(3)(j) ; Reg. Procedure July 21, 2005 Law Implemented 1010.86 FS. History--New 5-5-03.

FSU-2.02422. Special Fines, Fees, and Penalties.

The Board of Trustees must authorize all tuition and fees assessed. Accordingly, the specific fines, fees and penalties listed in this section, and the tuition and fees defined in Regulation FSU-2.024, are the only fees that may be charged without specific approval of the Board, except as authorized by Florida Statute:

- (1) A nonrefundable application fee \$30.00
- (2) An orientation fee \$35.00
- (3) A fee for security, access, or identification card:
 - (a) Annual card fee \$10.00 (\$5.00 each, Fall and Spring Semester)
 - (b) Replacement card fee \$15.00
- (4) A service charge for the payment of tuition in installments \$10.00
- (5) A late registration fee to be assessed to students who fail to initiate registration during the regular registration period 100.00
- (6) A late payment fee to be assessed to students who fail to pay tuition and fees or who fail to make appropriate arrangements to pay (by means of installment payment, deferment, or third-party billing) by the tuition and fee deadline set by the university \$100.00
- (7) Materials and supply fee (lab fees) to offset the cost of materials and supplies consumed during the course of the student's instructional activities, excluding the cost of equipment replacement, repairs and maintenance Cost
- (8) A fee for miscellaneous health-related charges for services provided at cost by the university health center which are not covered by the health fee set under Section 1009.24(11), F.S. Cost
- (9) Housing rental rates and miscellaneous housing charges for services provided by the university at the request of the student Cost

- | | |
|--|-------------------------------------|
| (10) A charge to represent the reasonable efforts to collect overdue accounts | Cost |
| (11) A service charge on university loans in lieu of interest and administrative handling charges | \$5.00 |
| (12) Library fines and charges, including: | |
| a. Damaged and lost library materials, , interlibrary loans, and literature searches | Cost |
| b. Overdue per book or unit per day | Not to exceed \$2.00 |
| c. Overdue Reserve Materials per book or unit per hour | Not to exceed \$4.00(\$40.00) |
| (13) Fees relating to duplicating, photocopying, binding, and microfilm services; copyright services, and standardized testing | Cost |
| (14) Fees and fines relating to the use, late return, and loss and damage of facilities and equipment | Cost |
| (15) Returned check fee for unpaid checks returned to the university | |
| | As provided by Section 832.07, F.S. |
| (16) Traffic and parking fines, charges for parking decals or permits, and transportation access fee | |
| | As provided by FSU-2.009 |
| (17) An Educational Research Center for Child development fee for child care and services offered by the center | Cost |
| (18) Fees for academic transcripts | \$ 10.00 |
| (19) Diploma replacement | \$ 10.00 |
| (20) Internet Payment Convenience Fee | Cost |
| (21) Developmental Research School Fees: Activities Fee | Variable |
| (22) The university president will authorize additional fees in order to meet specific higher education needs of the State when special circumstances result in specific, identifiable increased costs to a university. These fees will be in addition to the regular Student Credit hour fees charged to students enrolling in these courses on-campus. The additional fees charged shall be sufficient to recover all increased costs. The university shall remit the regular Student Credit hour fees collected for these courses to the appropriated Student Fee Trust Funds. The university shall use the additional fees to cover the increased cost of these courses and reimburse the appropriate Educational and General fund, or the appropriate other fund if the costs are incurred in other than Educational and General funds. | Variable |

- (23) Each university president or president's designee will authorize Variable additional fees for off-campus course offerings in order to meet specific higher education needs of the State when special circumstances result in specific, identifiable increased costs to the university. These fees will be in addition to the regular Student Credit hour fees charged to students enrolling in courses on campus. The additional fees charged shall be sufficient to recover all increased costs. The university shall retain the additional fees collected. The university shall use the additional fees collected to cover the increased cost of these courses and reimburse the appropriate Educational and General fund, or the appropriate other fund if the costs are incurred in other than Educational and General funds.
- (24) Other miscellaneous fines, fees and penalties as approved by the Board of Trustees and authorized by state law.
- (25) Each applicant to the university as a freshman (otherwise known as FTIC, First Time in College) or as a law or medical student shall submit a nonrefundable \$200 admissions deposit upon the applicant's acceptance to the university. If the student enrolls, the deposit will be applied towards tuition. If the applicant does not enroll, the deposit will be used as specified in Section 1009.24(14), F.S. The deposit will be waived only upon demonstrated inability to pay.
- (26) A technology fee of 5 percent of the tuition per credit hour, beginning with the fall term of the 2010-2011 academic year. The revenue from this fee shall be used to enhance instructional technology resources for students and faculty. The technology fee shall not be included in any award under the Florida Bright Futures Scholarship Program.

Specific Authority: Art. IX, Sec 7, Florida Constitution, BOG Regulation 1.001, BOG Reg. Procedure July 21, 2005. Law Implemented: BOG Regulation 7.003; s. 1009. 24, Florida Statutes History--New 5-5-03, Amended 9-30-03, 10-21-04, 8-3-05, 2-12-07, 11-29-07, 4-3-2008, 2-26-2009, 9-17-2009, 6-25-2010, 9-9-2011, 11-21-2014

FSU-2.02423 Delinquent Accounts.

- (1) Delinquent accounts, including delinquent current semester tuition and fees, will prevent students from registering until all delinquent accounts are paid in full. Diplomas and official academic transcripts will not be issued when any amount is owed to the university.
- (2) Delinquent accounts not paid in full are referred to a collection agency after reasonable efforts to collect the account have been exhausted by the University. All applicable collection costs are added to the outstanding delinquent balance.
- (3) Students who owe delinquent accounts to the university will not be allowed to register for classes,

receive academic transcripts or receive a diploma. A financial hold will be placed on the student's account until all delinquent balances are paid in full.

Specific Authority BOG Regulation 1.001(3)(j) ; Reg. Procedure July 21, 2005 Law Implemented 1009.24(13)(i) FS. History–New 5-5-03.

FSU-2.02424 Dishonored Checks or Electronic Payments.

(1) A charge of \$25.00 or five percent (5%) of the face amount of the check, whichever is greater, shall be assessed for all dishonored or electronic payments by the banking institution. A returned check/stop payment charge is assessed against a student's account who has a check or electronic authorization for payment returned by the bank to The Florida State University.

(2) The university automatically submits all personal checks to the banking institution a second time for payment when checks are returned for non-sufficient funds or uncollected funds. This is an automated process and the second submission cannot be stopped; there is no charge, however, assessed by the University for this second submission. The banking institution, however, may assess additional service charges against the bank account upon which the check is drawn for dishonored checks or electronic payments. Repayment of returned checks must be made in cash, by FSUCard, or by money order or cashier's check.

(3) Returned check charges are assessed for all personal checks written or electronic payments authorized for tuition, fees, or other services provided by the university, which are returned by the banking institution for non-sufficient funds, uncollected funds, closed accounts, and stop payments placed on checks. In addition to the returned check/electronic payment/charge, if the initial payment is for tuition and fees, and the redemption of the returned check/electronic payment is not made prior to the tuition and fee payment deadline, a late payment fee is assessed.

Specific Authority BOG Regulation 1.001(3)(j) ; Reg. Procedure July 21, 2005 Law Implemented 832.07, 1009.24(13)(e) FS. History–New 5-5-03.

FSU-2.0243 Auditing Courses.

Audit registration assures a course space for the student; however, no grade is awarded. The fee is the same as the Resident tuition provided in paragraph FSU-2.024(1)(a), F.A.C. Depositing of fee proceeds shall be the same as that provided for tuition. Seating privileges will be first afforded to currently enrolled students for academic credit and then to students taking courses as audit (non-academic credit).

Specific Authority BOG Regulation 1.001(3)(j) ; Reg. Procedure July 21, 2005 Law Implemented 1009.24(13)(d) FS. History–New 5-5-03.

FSU-2.0244 Materials and Supply (Lab) Fees.

A materials and supply fee (lab fees) will be assessed for specific courses identified by the university to cover the cost of consumable materials and supplies that are consumed in the course of the student's instructional activities. The materials and supply fee shall not be assessed to cover the cost of replacement, repairs, and maintenance of classroom and laboratory equipment used in the process of instructional delivery of the course. A detailed list of materials and supply fees shall be published in the university Registration Guide identifying courses and the associated amount of the materials and supply fee assessed. The materials and supply fee will be separately identified for each applicable course at the time of registration.

Specific Authority BOG Regulation 1.001(3)(j) ; Reg. Procedure July 21, 2005 Law Implemented 1009.24(13)(g) FS. History–New 5-5-03.

FSU-2.0245 Tuition-free Courses for Those Sixty Years of Age and Older.

All fees are waived for persons sixty (60) years of age or older who are Florida residents and who attend credit classes.

(1) Under this tuition-free option, registration is allowed only on a space available, audit basis if such classes are not filled as of the close of registration.

(2) This waiver does not include thesis, dissertation, applied music courses or other courses requiring individualized instruction.

(3) Academic credit will not be given for such tuition-free courses.

(4) An appropriate form, the Audit Registration Form-2003, which is hereby adopted by reference, is available from the Office of the University Registrar. Proof of age and Florida residency, as provided by Section 1009.21, F.S., must be presented to the Office of Student Financial Services before returning completed forms to the University Registrar.

(5) The Florida State University will limit or deny the privilege for courses which are in programs for which the State Board of Education has established selective admissions criteria where there is insufficient space in the course.

(6) Persons paying full fees and state employees taking courses on a space-available basis shall have priority over those persons whose fees are waived in all cases where classroom spaces are limited.

Specific Authority BOG Regulation 1.001(3)(j) ; Reg. Procedure July 21, 2005. Law Implemented 1009.26(4) FS. History–New 5-5-03.

FSU-2.0246 Tuition and Fee Deferments.

(1) The university president or designee will abide by rules of the State Board of Education in approving deferred payment when financial aid is delayed in being transmitted to the student through circumstances beyond the control of the student or formal arrangements have been made by the student with the university for payments.

(2) The following additional provisions apply to the use of tuition and fee deferments:

(a) When deferments expire, students must pay their unpaid tuition and fee balance in full by the expiration date or a late payment fee will be assessed.

(b) If tuition and fees are not paid accordingly, students will not be allowed to register for subsequent courses, receive a delayed delivery loan; receive semester/term grades or academic transcripts, etc.

(c) Students must ensure that financial aid pays tuition and fees by the deferment deadline. It will be the responsibility of the student to pay any balance remaining after all available financial aid has been applied to the tuition and fee assessment. Failure to do so by the published tuition and fee payment deadline will result in the assessment of the late payment fee.

(d) Financial aid students who are having their tuition and fees paid by a third party agency (i.e., employer, government agency, etc.) or department billing must submit the required documents to the Office of Student Financial Services by the deadline published in the Registration Guide. Students are responsible for payment of any balance of tuition and fees. Failure to pay the balance of tuition and fees due by the deadline date will result in the assessment of the late payment fee.

(e) Any veteran, and other eligible students, who receive benefits under chapter 30, chapter 31, chapter 32, chapter 34 or chapter 35, U.S.C., or chapter 106, Title 10, U.S.C., is entitled to one deferment of tuition and fees each academic year and an additional deferment each time there is a delay in receipt of benefits in accordance with Section 1009.27, F.S.

Specific Authority BOG Regulation 1.001(3)(j) ; Reg. Procedure July 21, 2005 Law Implemented 1009.27 FS. History–New 5-5-03.

FSU-2.0247 Tuition and Fee Liability.

(1) Tuition and fee liability shall be defined as the liability for the payment of tuition incurred at the point at which the student has completed registration, as defined in paragraphs FSU-2.024(2)(a), (b), F.A.C., above.

(2) A student becomes liable for his/her tuition and fees upon registration.

(3) A late payment fee is assessed for late payments. Payment for courses added after the drop/add deadline or after distribution of financial aid must be paid within five (5) calendar days. Failure to pay tuition and fees for such added courses by the fee payment due date will result in a late payment fee being assessed.

Specific Authority BOG Regulation 1.001(3)(j) ; Reg. Procedure July 21, 2005. Law Implemented 1001.74(1), (3) FS. History–New 5-5-03.

FSU-2.0248, Cancellation of Student Schedule

1. Students who cancel their registration and were not enrolled for the preceding semester/term (non-enrollment for two consecutive semesters) must apply for readmission.
2. Prior to the first day of classes, a student may cancel his/her registration by dropping all courses using the telephone or website registration system.
3. During the first five days of the semester, or summer session, a student may cancel his/her registration by submitting a written request to the Office of the University Registrar. Students who cancel registration within this time frame are not liable for tuition and fees. If tuition and fees have been paid, students should request a refund from the Office of Student Financial Services.
4. Beyond the first five (5) days of the semester, students cannot cancel registration; rather, they must withdraw from the university. Students who cancel their registration or withdraw from the university must apply for readmission. Under such circumstances, students allowed to register in error will have their registration canceled.
5. The University automatically drops students for non-attendance of the first class meeting and cancels student schedules for non-payment of tuition and fees.

Specific Authority BOG Regulation 1.001(3)(j) ; Reg. Procedure July 21, 2005. Law Implemented 1001.74(1), (3) FS. History-- New 5-5-03, Amended 3-24-06

FSU-2.0249 Installment Tuition and Fee Contracts.

- (1) Students incurring tuition and fees greater than \$150.00 are eligible to execute an installment fee payment agreement for the Fall and Spring semesters only.
- (2) The following additional provisions apply to installment fee contracts:
 - (a) The initial payment must be at least one half of the total tuition and fees due and is due by the tuition payment deadline.
 - (b) Failure to pay the balance of tuition and fees by the second installment deadline will result in the assessment of the late payment fee.
 - (c) All academic credit and records will be withheld if any remaining balance of tuition and fees are not paid by the end of the semester.
 - (d) An installment service fee will be assessed at the time of the first payment for the installment payment option.
 - (e) Once an installment contract is executed, any course added at a later date must be paid in full within five (5) calendar days from the date the course is added. It will not be covered under the previously executed tuition/fee deferment contract. Failure to pay tuition and fees in full for such a course(s) will result in the assessment of the late payment fee.

Specific Authority BOG Regulation 1.001(3)(j) ; Reg. Procedure July 21, 2005 Law Implemented 1001.74(1), 1009.24(13)(d), (e), (15) FS. History--New 5-5-03.

FSU-2.025 Direct Support Organizations.

(1) The President of the University may recommend to the Board of Trustees that an organization meeting the requirements of Section 1004.28(1)(a), F.S., be designated a Florida State University Direct Support Organization (“DSO”). Upon approval by the Board of Trustees, a DSO shall be considered to be certified and authorized to use the property, facilities and personal services of the University.

(2) In order to be considered for certification as a DSO, an organization must fulfill the requirements of Section 1004.28(1)(a), F.S., and must have Articles of Incorporation and Bylaws that together:

(a) Provide that any person employed by the organization shall not be considered to be an employee of the Florida State University Board of Trustees by virtue of employment by the DSO.

(b) Provide that the chief executive officer or director of the DSO shall be selected and appointed by the governing board of the DSO, with prior approval of the President of the University, and that the chief executive officer or director shall report to the President or a designee reporting directly to the President.

(c) Provide that any amendments to the Articles of Incorporation or Bylaws be submitted by the President of the University to the Board of Trustees for approval prior to becoming effective.

(d) Provide that the President of the University shall have the following powers and duties:

1. Monitor and control the use of University resources by the organization.
2. Control the use of the University name by the DSO.
3. Monitor compliance of the organization with federal and state laws.
4. Recommend to the governing board of the board of trustees an annual budget.
5. Review and approve quarterly expenditure plans.
6. Approve contributions of funds or supplements to support intercollegiate athletics.

(e) Provide that the organization shall provide equal employment opportunities to all persons regardless of race, color, religion, gender, age or national origin.

(f) Prohibit the giving, directly or indirectly, of any gift to a political committee or committee of continuous existence as defined in Section 106.011, F.S., for any purpose other than those certified by a majority roll call vote of the organization’s governing board at a regularly scheduled meeting as being directly related to the educational mission of the University.

(3) The President of the University or a designee shall serve on the governing body and executive committee of each DSO.

(4) Each DSO shall submit an annual budget, which has been approved by its governing board and recommended by the President of the University to the Board of Trustees for review. Such proposed budget shall be submitted no later than ninety (90) days after the first day of the fiscal year to which the proposed budget pertains. Each proposed budget shall include therein:

(a) Expenditures for the construction of physical facilities, and

(b) Salary supplements, compensation and benefits provided to the President, University faculty, and staff, and to DSO employees to be paid with assets of the DSO, which shall be specifically identified.

(5) Each DSO shall prepare and submit to the President no later than the first day of each quarter of the organization's fiscal year a quarterly expenditure plan that separately delineates planned actions which would cause a commitment of University resources or which represent a significant commitment of the resources of the DSO, including:

- (a) Major fund raising events and campaigns and their purpose.
- (b) Compensation and benefits to University employees and employees of the organization.
- (c) Capital projects, including land acquisition, construction, renovation or repair.
- (d) Other major commitments of the resources of the organization.

(6) Each DSO shall cause a financial audit of its accounts and records to be conducted by an independent certified public accountant after the close of each fiscal year. The audit report shall be submitted by the President of the University to the Board of Trustees no later than the end of the fourth month following the close of the organization's fiscal year.

(a) Audits shall be conducted pursuant to Section 1004.28(5), F.S., and in accordance with rules adopted by the Auditor General pursuant to Section 11.45(8), F.S., and Florida State University rules.

(b) The President of the University shall submit the annual audit report to the Auditor General no later than nine (9) months after the close of the organization's fiscal year.

(7) The President of the University may recommend to the Board of Trustees that an organization be decertified as a DSO if the President determines that the organization is no longer serving the best interest of the University. The recommendation for decertification shall include a plan for disposition of the organization's assets and liabilities.

Specific Authority BOG Regulation 1.001(3)(j) ; Reg. Procedure July 21, 2005. Law Implemented 1001.74(37), 1004.28 FS. History--New 4-21-03, 9-13-07

FSU-2.026 Lost, Abandoned, or Seized Personal Property

(1) General Provision

All lost or abandoned personal property found on the University campus becomes university property if the personal property is not claimed by the owner within (30) thirty days after it is found consistent with the provisions of this regulation. The University obtains ownership of seized personal property under the Florida Contraband Forfeiture Act (Sections 932.701-932.706, Florida Statutes), when it receives a final judgment granting forfeiture of such property.

(2) Authority

The University Controller shall manage the transfer, sale, donation, and disposal of personal property lost, abandoned, or seized on campus in accordance with this Regulation.

(3) Definitions

(a) Bicycle – A vehicle propelled solely by human power or a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour.

(b) Campus – All real property situated in the Tallahassee, Panama City, and Sarasota areas that are under the control of Florida State University.

(c) Date of Notification – The date on which an identified owner of lost or abandoned personal property is notified that such property is in custody and informed of the location and means by which the property may be released. If notification is by mail, the date of notification is (5) five business days after the date the letter is mailed.

(d) Date of Receipt - The date lost or abandoned personal property comes into the custody as recorded by the Property Custodian.

(e) Impound – To tow a vehicle away from the place in which it is parked, to boot a vehicle by use of an immobilization device, or to seize and hold legal custody of a vehicle.

(f) Lost or Abandoned Personal Property – Tangible personal property, with some appreciable value or apparent intrinsic value to the rightful owner, which has been mislaid or deposited on campus and left unattended. Lost or abandoned personal property may or may not have an identifiable owner.

(g) Motor Vehicle – An automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power.

(h) Notice of Impoundment – A letter sent by the University Police Department to the registered owner of an impounded vehicle, via certified mail, and a notice posted on the vehicle notifying the registered owner that the vehicle will be impounded and stating the place and means by which the vehicle's release may be secured.

(i) Property Services – The unit within the Controller's Office that manages the transfer, sale, donation, or disposal of personal property lost, abandoned, or seized on campus.

(j) Property Custodian – The individual designated by the Vice President, Dean, or Director who has been assigned the responsibility for the identification of University property and the maintenance of the department's property records.

(k) Seized Personal Property – any contraband article as defined in state statute 932.701

(4) Procedures

(a) Lost or abandoned personal property found on campus shall be delivered to the Property Custodian, who shall record the date of receipt of the property and retain custody of the property until disposed of in accordance with this Regulation. The University Police Department is responsible for determining if a motor vehicle or bicycle is abandoned.

(b) If the rightful owner of lost or abandoned personal property is identifiable, the Property Custodian shall make reasonable efforts to contact and notify the rightful owner of the location and means by which the property may be released. In determining whether the rightful owner is identifiable, the Property Custodian shall compare outstanding reports made to the University Police Department of missing, lost, or stolen property to the personal property in custody.

(c) If lost or abandoned personal property is not claimed by the rightful owner within thirty (30) calendar days from the date of receipt recorded by the Property Custodian, such property shall be sent to Property Services. Lost, abandoned or seized personal property may be retained by the University Police Department as necessary for evidentiary and/or investigative purposes.

(d) Lost, abandoned, or seized personal property will be available for University use or sold at public auction. If the property is not obtained for University use or purchased at auction, Property Services shall donate it to a charitable organization or discard it.

(e) The rightful owner of lost or abandoned personal property may reclaim the property at any time prior to the disposition, sale, or use of the property. Such property claimed by the rightful owner shall be released subject to any applicable liens, fees, fines, and reasonable costs of transport, storage and sale.

(f) Net proceeds from the sale of lost or abandoned personal property will be deposited into the University Student Scholarship Fund.

(g) Net proceeds from the sale of seized personal property will be deposited into the University Special Law Enforcement Account in compliance with Section 932.7055(6) (g), Florida Statutes.

Specific Authority: Art. IX, Sec 7, Florida Constitution, Florida Board of Governors Regulations 1.001(3) (j), (7) (g) Law Implemented 705.18, FS History--New