OFFICE OF THE GENERAL COUNSEL: USF REGULATIONS

NOTICE: REVISED/REPEALED REGULATIONS DATE: MAY 4, 2009

Leasing Regulations:	
4.012-Leasing Regulation	Amended
4.01201- Definitions	Repealed
4.01203-Leasing Approval	Repealed
4.01205-Standard Lease Form	Repealed
4.01207-Fire Code Compliance	Repealed
4.01209-Leases of 5,000 or more square feet	Repealed
4.01211-Competitive Bidding	Repealed
4.01212-Single Source Facilities	Repealed
4.01213-Disclosure Statements	Repealed
4.01215-Legal Review	Repealed
4.01217-Certification of Compliance	Repealed

Summary of Revisions

The Florida Board of Governors Regulation Development Procedure calls for a university to monitor the effects of new regulations and periodically review existing regulations to ensure they are current and consistent.

USF system leasing regulations have been reviewed and Regulation 4.012, Leasing Regulation, will be amended to consolidate the critical sections of proposed repealed regulations (4.01201-4.01217). The regulations proposed for repeal were based on practices in place when leases were centrally administered by the former Board of Regents.

Regulation 4.012 is amended to comply with the Florida Board of Governors proposed lease authority regulation (BOG 17.001), conveying required lease authority to the Boards of Trustees and incorporating recent changes in the law, including the Board of Governors Debt Management Guidelines.

Text of amended regulation 4.012 follows in this document: The regulations proposed for repeal may be found at:
HTTP://GENERALCOUNSEL.USF.EDU/REGULATIONS/CURRENT-REGULATIONS.ASP

(End of Summary)

University of South Florida system
Regulation: USF4.012- Leasing Regulation

(1) The purpose of this Regulation ~~Rules 6C4-4.012 - 6C4-4.01217~~ is to implement the delegated authority received by the USF system ~~State University System~~ in accordance with ~~Section 240.225, Florida Statutes~~, Board of Governor's Regulation 17.001 with respect to ~~those functions and duties regarding~~ leasing of space. ~~heretofore performed by the Department of General Services in accordance with Sections 255.248, 255.249, and 255.25, Florida Statutes~~.

(2) The USF system President or designee may enter into leases for space in a building or any part of a building for use by the USF system or a direct-support organization, including those leases in a research and development park with which the USF system is affiliated. Leases subject to s. 1010.62 F.S. must be approved by the Board of Governors, in accordance with the Board of Governors Debt Management Guidelines.

(3) The USF system may not enter into a lease for 5,000 square feet or more of space in a privately owned building, except upon advertisement for and receipt of competitive bids. The award shall be made to the lowest responsive bidder meeting specifications and shall include the terms and conditions of the bid as submitted.

(4) Exceptions to Competitive Bid Requirements:

(a) Competitive bids shall not be required for renewal of leases as provided in the original lease.

(b) Competitive bids shall not be required for any lease having a term of less than 120 consecutive days which is for the purpose of securing a one-time special use of the leased property.

(c) Competitive bids shall not be required for any lease which is for nominal or no consideration.

(d) Competitive bids shall not be required to extend an existing lease of 5,000 square feet or more space, if the extension is determined to be in the best interest of the USF system and the total of the extension does not exceed 11 months.

(e) Competive bids shall not be required when leasing educational facilities in a research and development park with which the USF system is affiliated. The Board of Trustees or designee must certify in writing that the leasing of such educational facilities is in the best interests of the USF system and that the exemption from competitive bid requirements is not detrimental to the state, pursuant to s. 1013.17, F.S. (5) The measurement of 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.

(6) The USF system shall not enter into a lease for space of 5,000 or more feet in a privately owned building when suitable space is available in a USF system building located in the same geographic region unless it is determined that the lease of non-USF system property is in the best interest of the USF system.

(7) All leases of privately owned space shall be reviewed as to form and legality by the General Counsel.

~~Specific Authority 240.227(1), 255.249(2) FS. Law Implemented 240.225, 240.227(1), (17), 255.248, 255.249, 255.25 FS.~~

AUTHORITY TO ADOPT/AMEND/REPEAL REGULATIONS:
Art. IX, Section 7, Fla. Constitution and Resolutions issued by the FL Board of Governors.

UNIVERSITY OFFICIAL INITIATING PROPOSED AMENDMENTS/REPEAL: James A. Hyatt, Sr. Vice President for Business and Finance & CFO.

WRITTEN COMMENTS CONCERNING THIS PROPOSED REGULATION MAY BE SUBMITTED WITHIN 14 DAYS AFTER THE POSTING DATE OF THIS NOTICE TO:

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