

**FLORIDA ATLANTIC UNIVERSITY  
NOTICE OF PROPOSED REGULATION AMENDMENT**

Date: June 1, 2015

**REGULATION TITLE AND NUMBER:** Surplus Property (6.007).

**SUMMARY:** FAU Regulation 6.007 sets forth the guidelines concerning surplus property management. The proposed amendments update the regulation to reflect current Board of Governors and statutory requirements and current practices. Since the universities now use their own enterprise resource planning system, many of the specific statutory requirements are no longer applicable. The proposed amendments do not provide material revisions to the handling of surplus property, but rather streamline the process and update how surplus property may be disposed of.

**FULL TEXT OF THE REGULATION:** The full text of the proposed regulation is attached below to this Notice. The full text of the existing regulation is posted on FAU's website at [www.fau.edu/regulations](http://www.fau.edu/regulations). In addition, the full text of the proposed regulation and current regulation are available upon request to the Office of the General Counsel, which can be contacted at (561) 297-3007 or [GeneralCounsel@fau.edu](mailto:GeneralCounsel@fau.edu).

**AUTHORITY TO AMEND THE REGULATION:** Article IX of the Florida Constitution and the Board of Governors Regulation Development Procedure dated July 21, 2005.

**UNIVERSITY OFFICIAL INITIATING THE REGULATION AMENDMENT:**  
David Kian, Vice President & General Counsel

**COMMENTS CONCERNING THE PROPOSED REGULATION AMENDMENT SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW.** In response, the University may solicit additional written comments, schedule a public hearing, withdraw or modify the proposed regulation amendment in whole or in part after notice, or proceed with adopting the regulation amendment. The comments must identify the regulation(s) on which you are commenting:

**THE PERSON TO BE CONTACTED REGARDING THE AMENDMENT/REPEAL OF REGULATIONS IS:** David L. Kian, General Counsel, Office of the General Counsel, 777 Glades Road, Boca Raton, Florida, 33431, (561) 297-3007 (phone), (561) 297-2787 (fax), [GeneralCounsel@fau.edu](mailto:GeneralCounsel@fau.edu).

# FLORIDA ATLANTIC UNIVERSITY

## Regulation 6.007 Surplus Property.

(1) **Purpose.** The purpose of this ~~rule-regulation is to set forth guidelines is to implement the delegated authority received by Florida Atlantic University in accordance with Sections 1001.74 and 1001.75, F.S., with respect to those functions and duties concerning surplus property management, heretofore performed by the Department of General Services~~  
~~in accordance with Sections 273.04, 273.05 and 273.55, F.S.~~

(2) **Definitions.**

(a) ~~(a) Custodian:~~—~~The University President or any~~Any person designated by the University President entitled to hold lawful custody of Property owned by the state.

(b) Property: University equipment, fixtures, and other tangible personal property of a nonconsumable and nonexpendable nature.

~~(c) (b) Property Manager:~~ An individual assigned by the University President The Vice President of Financial Affairs or other person designated by the University President to manage the assignment, accountability, transfer and disposal of state-owned pProperty for which the University has custodial responsibility under the Florida Statutes.

~~(e) Tangible Personal Property—All personal property, other than real estate, acquired and belonging to the State of Florida.~~

~~(d) Exchange Property—Property being offered as a trade in on the purchase of a new item.~~

(e) Property Survey Board:— A body appointed by the University PresidentProperty Manager to approve surplus property disposal and relief of accountability for Property that cannot be located.

(3) ~~Reporting Requirements~~Certification of Surplus Property ~~for Surplus, State-Owned, Tangible Personal Property.~~

(a) ~~Tangible personal pProperty~~ which is determined to be surplus because it is excess, obsolete, uneconomical or inefficient for continued use or which services no useful function as to any activity or location shall be certified as surplus by the custodian of the property to the Property Manager.

(b) The Property Manager, or his/her designee, will agenda the certification for disposition action ~~by the Property Survey Board.~~

~~(4) Certification—c) Surplus Property—property Certifications—certifications shall provide the following information:~~

~~(a) Complete description of the property, a statement of its condition~~

~~(b) Statement of condition and age/acquisition date, the~~

~~(c) Original purchase price, an~~

~~(d) Estimated current value, the~~

~~(e) Location of the property and hours when property may be examined, and person to contact for examining property, and a minimum bid (if required), and~~

~~(f) Any additional information, when needed, that would assist in determining whether or not property should be offered to other universities, state agencies, or governmental entities.~~

(54) Buildings and Structures. —Buildings, structures and other items of a semi-permanent or permanent nature shall be considered tangible personal property, if and when they are severed from the real property upon which they reside, and shall be reported in the same manner as all other surplus property. In addition, the legal description of the location, size, type of construction, and reason for removal shall be noted.

(65) Items to Be Reported Loss, Theft or Fire. —In instances of loss, theft or fire, such property should be reported to the Property Manager, accompanied by a police report, for action on relief of accountability by the Property Survey Board in the same manner as all other surplus, state-owned, tangible property. (Refer to subsection (3) of this rule.) ~~The Property Manager shall obtain the approval of the State Comptroller for relief of accountability for property items involved in mysterious disappearance, theft or malicious damage.~~

(76) Procedures for Disposal of Surplus Property. Certified surplus property shall not be sold, transferred, cannibalized, scrapped or destroyed without prior approval of the Property Manager. Once approved, Surplus Property may be lawfully disposed of by the Property Manager as follows:

(a) Selling or (a) Transfer/transferring the property to another state agency or political subdivision/governmental entity. ~~If, because of its type, age or condition, the Property Survey Board feels the equipment is not useful to any university under the State University System, the Property Survey Board may approve transfer under such conditions the Property Survey Board may determine appropriate.~~

(b) Selling or donating the property to any private nonprofit agency.

(c) (b) Scrapping or cannibalization of equipment/repurposing the property if— ~~The Property Survey Board/Manager may approve the scrap or cannibalization of equipment if it feels it is in the best interest of the University.~~

(d) (e) Abandoning the property in place upon a determination by the ed equipment.

~~The Property Survey Board Manager may approve the abandonment of tangible personal property, in place, upon determination that the cost of return or repair exceeds the value of the property.~~

~~(e) Entering into contractual agreements with other entities, including, but not limited to, other governmental agencies or private vendors, which facilitate the final disposition of the property. Such agreements may include, but are not limited to, the leasing of storage space or arrangements for the disposal of scrap property.~~

~~(a) (f) (d) Selling the property through a public sale, at-~~

~~(b) 1. The Property Survey Board may approve the public sale of such property determined to be surplus to the needs of the University.~~

~~2. All public sales shall be conducted on a set date and time which shall be advertised in a local newspaper of general circulation no less than two weeks prior to the sale.~~

~~3. Sales may be conducted at the discretion of the Property Manager, as auction (on-line or on-site) or sealed bid sales.~~

~~(e) If the cost of disposal of an item appears to be greater than the amount to be gained through a public sale, the Property Survey Board may approve the Property Manager to donate these items to a non-profit charity. The Board may direct that items be cannibalized, scrapped or destroyed in the event that no suitable non-profit organization can be found.~~

~~(8) Availability of Surplus State Property — The Property Survey Board may at its discretion approve the circulation of surplus property having a useful life to other agencies. Listings of such property available on a bid basis may be sent to other state agencies and the Bureau of State Surplus Property. Property listings will include condition and location of property available for viewing.~~

~~(9) Authority for Disposal — Certified surplus property shall not be sold, transferred, cannibalized, scrapped or destroyed without prior approval of the Property Survey Board.~~

~~(107) **Exchange Property Required Information.** Information shall be recorded on the individual property record for each item lawfully disposed of as set forth in Board of Governors Regulation 9.0031(3).~~

~~(a) When the University has property available for use as a trade in for the purchase of new property, the Property Survey Board at its discretion may approve that the Property Manager advise the Bureau of State Surplus Property of the availability of such exchange property in writing, specifying the following information, if available:~~

~~1. Description of exchange property;~~

~~2. Manufacturer's name;~~

~~3. Model number;~~

~~4. Serial number;~~

~~5. Age;~~

~~6. Condition (E-Excellent, G-Good, F-Fair, P-Poor);~~

~~7. Inventory control number;~~

~~8. Location of property (room number, building, city);~~

~~9. Name and phone number of person to contact for information about the exchange~~

property,

~~10. Date planned for trade in transaction, and~~

~~11. A written trade in quote stating the trade in allowance and signed by the prospective purchaser.~~

~~(b) Such notice of availability of property shall be forwarded to the Bureau of State Surplus Property a minimum of two weeks in advance of planned transaction date.~~

~~(c) Should the Division of Surplus Property decide to purchase the exchange property, the University should pay the full purchase price for the new property and send an invoice for reimbursement of the trade in allowance to the Bureau of State Surplus Property.~~

~~(811) **Non-State Funded Property.** —All property originally purchased with non-state funds, such as contracts or grants or gifts, shall be managed in a form consistent with the applicable rules and regulations of the funding authority or agreement.~~

~~(129) **Disposition of Monies.** —All monies received from the sale of such surplus property, less costs associated with the disposal action, shall be retained by the Property Manager deposited to the Incidental Trust Fund or departmental accounts which funded the original acquisition of the property and may be disbursed for the acquisition of exchange and surplus property and for all necessary operating expenditures.—(See Regulation 6.007(11)). The Property Manager shall maintain records of the accounts into which the money is deposited.~~

~~*Specific Authority--Florida Board of Governors Resolution dated January 7, 2003; Florida Board of Governors Regulation 9.0031,240.227(1), 273.055(1) FS. Law Implemented 240.225, 273.04, 273.05, 273.055 FS. History--New 3-26-80, Amended 9-22-83, Formerly 6C5-6.07, Amended 11-11-87. Formerly 6C5-6.007. Amended - -*~~