

**From:** Patricia Lott  
**Sent:** Monday, December 01, 2008 1:23 PM  
**To:** Betsy Bowers; Susan Stephenson  
**Cc:** Anita Schonberger; Adrienna Wiesenfeld  
**Subject:** RE: Hurricane appropriation

Dear All:

I have investigated the matter that you have referred to me. Basically, I understand your question to be whether the \$4,000,000 appropriation for "UWF Hurricane Damage Non-Reimbursable Expense" must be used only for hurricane expenses or whether it can be used for other purposes.

Please be advised that I could not find any official guidance on this issue. There is some law relating to conditions for federal appropriations, but I could not find anything helpful relating to this question. I spoke to Janet Owens concerning the question of law and practice in Florida. She concurred that to her knowledge there is no law governing the issue. She told me that the practice in Florida is basically that if you have money left over from an appropriation, you look first at the issue of whether there is a use that is similar to the actual appropriation. For instance, if there were non-reimbursable hurricane expenses that the University incurred that were not on the backup list you should be able to use the money for that purpose. In other words, she thought that the practice in Florida is not to consider the backup information as controlling. You generally look at the language of the appropriation itself and decide whether it can be stretched to cover what you want to do with the money. However, she said that it is very common practice to request an approval for a change in use of an appropriation. She said that every appropriations bill has a laundry list of appropriations revisions at the end. They are basically one liners: something to the effect of "appropriation XYZ for a childcare building is revised to reflect that remaining moneys will be used for a science building" or "appropriation 2084A for 2004 hurricane relief is amended to reflect that remaining moneys will be used to fund facilities renovations." She said that these are generally accorded no notice and go right through (apparently on the theory that once the money is appropriated it is considered spent and the feeding frenzy is over). Janet also said that appropriations are never returned unless there is some kind of a high-level political problem, and she would not be surprised to find out that many appropriations are used for purposes that are only distantly related to their original purpose.

In light of the above, my advice would be to use the money for purposes that can reasonably be said to be for non-reimbursable expenses relating to hurricanes. As I mentioned to Susan, I think that an estimate of tuition loss due to under enrollment resulting from the 2004 hurricane would be reasonable. Repaying loans made from the auxiliaries for non-reimbursable hurricane expenses should work. If you wish to use the money for some purpose that can't reasonably be said to be for non-reimbursable expenses relating to hurricanes, I think that asking for a one-liner in the next general appropriations bill would be in order.

Please let me know if I can be of further assistance in this matter.

Regards,

Pat Lott  
474-3420