



Board of Trustees
UNIVERSITY *of* WEST FLORIDA

Special Board Meeting
Thursday, February 12, 2026
Zoom Webinar

[Zoom Webinar](#) | Passcode: 047421

Agenda

I. Call to Order

II. Roll Call

III. Greeting

IV. Public Comment

V. Approval of Minutes

A. December 11, 2025 Full Board Meeting

B. January 8, 2026 Special Full Board Meeting

VI. Unfinished Business

A. Consent Agenda

1. [AUD-1](#): Internal Audit Report: PBF Data Integrity Audit 2025

VII. New Business

A. Action Items

1. [BOT-1](#): Charter School Approver Application
2. [BOT-2](#): Loan from Foundation to UWF Board of Trustees
3. [BOT-3](#): President's Performance Goals

4. [BOT-4](#): Hire Vice President, Division of Academic Engagement and Student Affairs

VIII. Good of the Order

IX. Adjournment

**Full Board Meeting
December 11, 2025
DRAFT Minutes**

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Board Meeting**9:05 a.m.**

The public was provided with information on the UWF Board of Trustees website to attend this public meeting in person or virtually through Zoom Webinar.

I. Call to Order

The meeting of the UWF Board of Trustees was called to order at 9:05 a.m. by Chair Rebecca Matthews.

II. Roll Call

Chair Matthews asked Kristie Johnson to conduct roll call. Trustees Paul Bailey, Dick Baker, Trista Bennett, Rebecca Matthews, Heather Riddell, Ashley Ross, Alonzie Scott, and Zack Smith attended in person and Trustees Edward Fleming (delayed entry), Paul Hsu, Adam Kissel, Rachel Moya (delayed entry), and Chris Young attended virtually.

Others in attendance included:

Manny Diaz, Jr., Interim President; Jaromy Kuhl, Senior Vice President and Provost; Clifford Humphrey, Chief of Staff and Vice President of Strategic Initiatives; Tori Bennett, Interim Vice President of University Advancement; Dan Lucas, Vice President of Finance and Administration; Mary Anderson, Interim Vice President and Dean of Students for Academic Engagement and Student Affairs; Dave Scott, Associate Vice President for Athletics; Jamie Sprague, Senior Associate VP, Human Resources; Julie Sheppard, Interim General Counsel; Anamarie Mixson, Assistant Vice President for the Office of the President; Alex Smith, Director of External Affairs; Dallas Snider, Vice Provost; Mohamed Khabou, Dean of Hal Marcus College of Science and Engineering; Anna Lochas, Director of Events; and Kristie Johnson, Board of Trustees Liaison.

III. Greeting

Chair Matthews welcomed everyone to the meeting, recognized special guests Senator Doug Broxson and new Trustee Kishane Patel, and Lexie Miller (training service support animal). She announced delay of Dr. El Sheik Cybersecurity presentation. Chair Matthews thanked those that participated in the Presidential Search Forums the day prior as well as Cookies and Cocoa and Holidayfest organizers. remove arrow.

IV. Public Comment

Chair Matthews opened the floor for public comment. There was none.

V. Approval of Minutes

Chair Matthews reminded the trustees that they had been given the opportunity ahead of time to review the minutes of the September 18, 2025, Full Board of

Trustees Meeting and the November 13, 2025, Special Board of Trustees Meeting. Chair Matthews asked for a motion to approve the minutes as presented, if there were no changes or corrections.

Motion by: Trustee Baker

Seconded by: Trustee Scott

Motion passed unanimously (Trustees Fleming, Hsu, and Moya were not in attendance at the time of the vote.)

VI. Reports

A. Chairman's Report

Chair Matthews gave an update on Board of Trustee activities including Presidential Search and departing trustees and then offered praises for the executive cyber training that she attended.

B. President's Report

Chair Matthews called on Interim President Manny Diaz, Jr. to give the President's Report. Mr. Diaz presented an update on University Strategic Directions and recent University initiatives.

C. Provost's Report

Chair Matthews called on Provost Jaromy Kuhl to give the Provost's Report. Dr. Kuhl presented on changes in the Board of Governors metrics.

D. Faculty Report

Chair Matthews called on Trustee Heather Riddell to give the Faculty Report. Trustee Riddell presented the recent activities and accomplishments of UWF Faculty members.

E. Student Report

Chair Matthews called on Trustee Trista Bennett to give the Student Report. Trustee Bennett presented on the events and activities that took place since the last board meeting in September.

F. Program Report

Chair Matthews announced that the Program Report from CyberSecurity would be postponed until a later meeting.

G. Committee Reports

1. Academic Affairs Committee

- a. Chair Matthews called on Trustee Adam Kissel to give the Academic Affairs Committee Report. Trustee Kissel explained that the Academic Affairs Committee met on

Thursday, November 13, 2025. The committee had two action items and two information items on their agenda.

- i. The action items were as follows:
 - i. ACA-1: Approval to remove the exception to 120 credit hours for the Bachelor of Science in Computer Engineering, the Bachelor of Science in Electrical Engineering, and the Bachelor of Science in Mechanical Engineering.
 - ii. ACA-2: Approval to terminate the BS in Interdisciplinary Sciences.
- ii. The information items were as follows:
 - i. INFO-1: Programs in Development including the Art Education specialization under the BA in Art and the History Education specialization under the BA in History.
 - ii. INFO-2: Update on Program Reviews.

- b. Trustee Kissel explained that the Academic Affairs Committee recommended approval of both action items by the full Board of Trustees in the December 11, 2025.

2. Audit and Compliance Committee

- a. Chair Matthews called on Trustee Chris Young to give the Audit and Compliance Committee Report. Trustee Young explained that the Audit and Compliance Committee met on Thursday, November 13, 2025. The committee had six action items and one information item on their agenda.
 - i. The action items were as follows:
 - i. AUD-1: Internal Audit Report: Athletics Budget Review and Athlete Degree Programs
 - ii. AUD-2: Internal Audit Report: Purchasing Card Audit for Q4 2024-25
 - iii. AUD-3: Auditor General Report: Operational Audit
 - iv. AUD-4: UWF Business Enterprises, Inc. Audited Financial Statements
 - v. AUD-5: West Florida Historic Preservation, Inc. Audited Financial Statements
 - vi. AUD-6: UWF Foundation, Inc. Audited Financial Statements ending June 30, 2025
 - ii. The information item was an Internal Auditing and Management Consulting Update presented by David Bryant.
- b. Trustee Young explained that the Audit and Compliance Committee recommended approval of all action items by the full Board of Trustees in the December 11, 2025, meeting.

3. Finance, Facilities, and Operations Committee
 - a. Chair Matthews called on Trustee Rachel Moya to give the Finance, Facilities, and Operations Committee Report. Trustee Moya explained that the Finance, Facilities, and Operations Committee met on Thursday, November 13, 2025. The committee had three information items on their agenda.
 - i. Jeffrey Djerlek, Senior Associate Vice President of the Division of Finance and University Controller presented an update on FY 2025-2026 Current Modified Operating Budget
 - ii. Jeffrey Djerlek also presented an update on Preliminary FY2025 UWF Financial Reports
 - iii. Mrs. Cass Boatwright, Chief Operating Officer, informed the committee as required on all Contracts/Commitments/Obligations/Contingent Risk: >\$5M and contracts>5 years

H. Direct Support Organization Reports

1. UWF Business Enterprises, Inc.
 - a. Chair Matthews called on Trustee Dick Baker to give the Business Enterprises, Inc. Report. Trustee Baker recounted that the BEI board had not met since the report given at the September 18, 2025 Board of Trustees meeting but provided that Argo Village remains at full occupancy and the contracts for dining services and the bookstore are performing well and producing returns for BEI and the university.
2. UWF Foundation, Inc.
 - a. Chair Matthews called on Trustee Rachel Moya to give the Foundation report. Trustee Moya provided updates from University Advancement and from the UWF Alumni Association. Trustee Moya reviewed the financial standing and recent gifts made to the University. Trustee Moya also reported on the Foundation Board and committee activities.
3. UWF Historic Trust, Inc.
 - a. Chair Matthews gave the UWF Historic Trust report. Chair Matthews provided a summary of the most recent UWF Historic Trust board meeting and provided information on the organization's events and activities.

*Chair Matthews called for a brief recess at 10:06 a.m.
The board meeting resumed with all original attendees present at 10:17 a.m.*

VII. Unfinished Business

A. Consent Agenda

1. Chair Matthews noted there were ten items on the consent agenda.
 - a. ACA-1: Request to Remove Exception to 120 Credit Hours
 - b. ACA-2: Degree Program Termination BS Interdisciplinary Sciences
 - c. AUD-1: Internal Audit Report: Athletics Budget Review and Athlete Degree Progress
 - d. AUD-2: Internal Audit Report: Purchasing Card Audit (Q4 2024-25)
 - e. AUD-3: Auditor General Audit Report: Operational Audit (Report No. 2026-18)
 - f. AUD-4: UWF Business Enterprises, Inc. – Audited Financial Statements 2025
 - g. AUD-5: West Florida Historic Preservation, Inc. – Audited Financial Statements June 30, 2025
 - h. AUD-6: UWF Foundation, Inc. Audited Financial Statements June 30, 2025
 - i. STU-1: Revisions to the UWF Reg. 3.010, Student Code of Conduct
 - j. STU-2: Endorsement of SUS Statement of Free Expression

2. Chair Matthews informed the Trustees that they may pull any individual item from the consent agenda for further review, if needed. Chair Matthews explained that each item was fully discussed during the committee meetings and all of the recommendations of the committees reflect the proposed action provided within the agenda. Chair Matthews asked if there were any requests to pull any consent agenda items for further discussion. There were no requests.

3. Chair Matthews asked for a motion for the Board to approve and adopt the recommendations of the Academic Affairs; Audit and Compliance; and Finance, Facilities, and Operations Committees made during their meetings with respect to the matters set forth on the consent agenda.
 - a. Motion by: Trustee Fleming
 - b. Seconded by: Trustee Smith
 - c. Motion passed unanimously.

VIII. New Business

A. Action Items

1. BOT-1: BOT-1: Resolutions for Trustees Hsu, Scott, and Baker in Recognition of Distinguished Service
 - a. Chair Matthews presented the item to honor departing Trustees Hsu, Scott, and Baker with resolutions.
 - b. Trustee Riddell made a motion to adopt Resolutions 2025.8, 9, and 10 in Recognition of Distinguished Service to the University of West Florida by Trustee Dick Baker, Trustee Paul Hsu, and Trustee Alonzie Scott.
 - i. Seconded by: Trustee Bailey
 - ii. Motion passed unanimously.
 - c. Trustees Baker, Scott, and Hsu each offered a few words about their tenure and encouragement to their fellow trustees.

2. BOT-2: Resolution 2025.11 in Recognition of Distinguished Service by Betsy Bowers
 - a. Chair Matthews presented the item to honor former VP of Finance and Administration, Betsy Bowers, with a resolution on her retirement.
 - b. Trustee Baker moved to adopt Resolution 2025.11 in Recognition of Distinguished Service to the University of West Florida by Mrs. Betsy Bowers.
 - i. Seconded by: Trustee Scott
 - ii. Motion passed unanimously.

3. BOT-3: Recission of University Policy BOT-07
 - a. General Counsel Julie Sheppard presented the recission of University Policy BOT-07, Code of Conduct Relating to Student Loan Practices, which will move to an area of the website where students can more readily find it.
 - b. Trustee Bennett made a motion to approve the recission of University Policy BOT-07, Code of Conduct Relating to Student Loan Practices.
 - i. Seconded by: Trustee Baker
 - ii. Motion passed unanimously.

4. BOT-4: BOT-4: Amendment of University Policy BOT-5
 - a. General Counsel Sheppard recommended an amendment to University Policy BOT-5, Continuity of Leadership Plan, and outlined the line of succession at the university.
 - b. Trustee Riddell moved to approve the amendment of University Policy BOT-5, Continuity of Leadership Plan.
 - i. Seconded by Trustee Ross
 - ii. Motion passed unanimously.

5. BOT-5: Institutional Neutrality Statement

- a. Provost Jaromy Kuhl presented the request to make the Institutional Neutrality Statement as approved in the September 18, 2025 Board Meeting a board policy. He read one comment that had been registered. Discussion ensued.
 - b. Trustee Smith moved to adopt the Institutional Neutrality Statement as Board Policy.
 - i. Seconded by Trustee Bailey
 - ii. Trustee Baker moved to amend the motion to accept the Faculty Senate recommendation to replace the second sentence in the statement “Universities play a unique social and cultural role by cultivating, hosting, and teaching both established wisdom and leading thought,” with “Universities play a unique social and cultural role by cultivating, hosting, teaching, and fostering rigorous academic inquiry across diverse scholarly perspectives and methodological approaches.”
 - iii. Amendment seconded by Trustee Scott.
 - iv. Roll call vote on amendment failed 8-5. Dissenting votes cast by Trustees Bailey, Fleming, Kissel, Matthews, Moya, Ross, Smith, and Young.
 - v. Roll call vote on original motion passed 9-4. Dissenting votes cast by Trustees Baker, Hsu, Riddell, and Scott.
6. BOT-6: New Performance Based Funding Metric 10
- a. Provost Kuhl also presented the request to accept internships as the new Performance-Based Metric 10 for BOG and requested that the Trustees allow the Provost’s office to establish benchmarks in conjunction with the SUS Board of Governors.
 - b. Trustee Scott moved to approve the percentage of baccalaureate completers with an internship each year as the new Performance-Based Funding Metric 10, and assign responsibility for establishing the benchmarks for this new metric to the Provost’s Office
 - i. Seconded by Trustee Smith
 - ii. Motion passed unanimously
7. BOT-7: Authorization for the Creation of the Academy of American Civic Republicanism Center
- a. Dr. Clifford Humphrey, Vice President of Strategic Initiatives and Chief of Staff, presented the request to approve the creation of the Academy of American Civic Republicanism Center.

- b. Trustee Bennet moved to approve the new program – Academy of American Civic Republicanism Center.
 - i. Seconded by Trustee Smith
 - ii. Discussion ensued
 - iii. Motion carried with vote 11-1 with Trustee Riddell casting dissenting vote. Trustee Fleming was absent from this vote.
8. BOT-8: Election of Chair and Vice-Chair
- a. Chair Matthews yielded the chair to Julie Sheppard, General Counsel, to preside of the Election of Chair and Vice-Chair of the Board. Julie Sheppard introduced the election, offered the terms for Chair and Vice-chair would be for two years beginning January 2026 and specified that Chair Matthews and Vice-Chair Young were both eligible to serve another term. She took nominations from the floor.
 - b. Trustee Baker nominated and moved that Trustee Rebecca Matthews to serve as Chair and Trustee Chris Young to serve as Vice-Chair of the Board of Trustees for the upcoming term.
 - i. Trustee Bailey seconded the motion.
 - ii. The motion carried unanimously using a roll call vote. Trustee Fleming was absent from voting.

IX. Good of the Order

Chair Matthews identified that all agenda items had been discussed. Chair Matthews asked if the board members had any additional business to discuss. President Diaz invited all Trustees to attend commencement on Saturday, December 13, 2025 at the Pensacola Bay Center. He also highlighted Capitol Day for UWF on February 19, 2025 in Tallahassee, Florida, asking trustees to participate. Chair Matthews announced the public grand opening of the Pensacola Children’s Museum on Saturday, December 20 with special invitation to Trustees on Thursday, December 18. She also reminded everyone that the university would be closed December 20, 2025 through January 4, 2026 for winter break. She reminded trustees of Special Full Board meeting on Thursday, January 8, 2026 and the Board of Governors visit in March 2026.

X. Adjournment

11:35 a.m.

With no other business to discuss, Chair Matthews adjourned the meeting at 11:35 a.m.

Full Board Meeting
January 8, 2026
DRAFT Minutes

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Board Meeting**9:03 a.m.**

The public was provided with information on the UWF Board of Trustees website to attend this public meeting in person or virtually through Zoom Webinar.

I. Call to Order

The meeting of the UWF Board of Trustees was called to order at 9:03 a.m. by Chair Rebecca Matthews.

II. Roll Call

Chair Matthews asked Kristie Johnson to conduct roll call. Trustees Paul Bailey, Trista Bennett, Ed Fleming, Janice Gilley, Adam Kissel, Rebecca Matthews, Kishane Patel, Heather Riddell, Ashley Ross, Zack Smith and Chris Young attended in person and Trustee Rachel Moya attended virtually.

Others in attendance included:

Jaromy Kuhl, Senior Vice President and Provost; Clifford Humphrey, Chief of Staff and Vice President of Strategic Initiatives; Tori Bennett, Interim Vice President of University Advancement; Dan Lucas, Vice President of Finance and Administration; Mary Anderson, Interim Vice President and Dean of Students for Academic Engagement and Student Affairs; Julie Sheppard, Interim General Counsel; Alex Smith, Director of External Affairs; Dallas Snider, Vice Provost; Anna Lochas, Director of Events; and Kristie Johnson, Board of Trustees Liaison.

III. Greeting

Chair Matthews welcomed everyone to the meeting and recognized new Trustees Patel and Gilley.

IV. Public Comment

Chair Matthews opened the floor for public comment. Dr. Amy Cook commented on BOT-1, Approval of Presidential Appointment for Confirmation by the Florida Board of Governors. Trustees also were provided copies of comments received via form or email.

V. Interview Candidate for UWF President

Presidential Search Committee Chair Zack Smith welcomed candidate, Interim President Manny Diaz, Jr. and began the interview. Trustees asked Mr. Diaz questions including:

Questions asked (summarized - please refer to the meeting recording to view the full interview, including responses to the questions listed below):

1. Please share your vision for UWF if we approve you as president.

2. How do you think we should best work to solve the need for more beds for students as we grow?
3. What do you see as success in implementing your vision after 5 years?
4. What would your approach be for the different types of fundraising including annual gifts, operations, major gifts/endowments, corporate opportunities, capital campaigns, planned giving, athletic fundraising, and research support?
5. How will you protect faculty research interests, support intellectual diversity and freedom of speech on campus?
6. What is your strategy for allocating funds for hiring faculty which includes increasing tenure track lines so we can continue to compete within the state system?
7. Discuss your past experiences and how you will respond to the different constituencies you will have to serve.
8. What is the process generally for the charter school and where are we in the process?
9. Would the charter possibilities take student teaching opportunities from the public school system?
10. You have extraordinary contacts in legislature and at the federal level, can you tell how you will leverage those contacts for the financial lifeline of the university?
11. A key priority is elevating student success. Do you have plans to leverage community partnerships to increase job opportunities and internship opportunities for current students and students who are about to graduate?
12. Do you have ideas or plans for growth in Ft. Walton Beach, especially with service to the military there?
13. What are you looking for in the (staff) candidates you are bringing to the University?

VI. New Business

A. Action Items

1. BOT-1: Approval of Presidential Appointment for Confirmation by the Florida Board of Governors

Presidential Search Committee Chair Zack Smith presented BOT-1 and made a motion to appoint Mr. Manny Diaz, Jr. as the new President of the University of West Florida to be presented to the Florida Board of Governors for confirmation.

Seconded by: Trustee Ross

Trustees discussed the motion. Trustee Riddell read a statement from the faculty.

Motion passed 11-1 with Trustee Riddell casting the dissenting vote.

2. BOT-2: Approval of Substantive Presidential Contract Terms and Compensation Range

General Counsel, Julie Sheppard, presented BOT-2. She reviewed highlights of the contract and commented that comparison was made with former UWF presidents and recently appointed SUS member presidents. She answered questions regarding a performance bonus and vote to terminate.

Trustee Fleming made a motion to approve the key terms of the employment agreement for President-elect Manny Diaz, Jr. and to authorize Chair Rebecca Matthews as the Chair of the University of West Florida Board of Trustees to execute, on behalf of the board, a contract document consistent with the terms of the draft contract presented.

Seconded by: Trustee Young

Trustees Riddell, Matthews, Smith, and Fleming engaged in discussion.

Motion carried unanimously.

Chair Matthews presented President-elect Manny Diaz, Jr., congratulated him, and offered the opportunity for him to comment which he accepted and made remarks.

VII. Good of the Order

Chair Matthews identified that all agenda items had been discussed and offered several dates to the Trustees including: 1/28-29/26 – BOG meeting where President-elect Diaz will be presented, 2/12/26 – Committee meetings via Zoom, and 2/11/26 – Stadium groundbreaking. She also commented that trustees would be reassigned to committees; she was creating a new Presidential Review ad-hoc committee, and all were invited to participate in the new Strategic Planning ad-hoc committee.

VIII. Adjournment

With no other business to discuss, Chair Matthews adjourned the meeting at 11:18 a.m.

Consent Agenda

Consent Agenda Items:

1. AUD-1: Internal Audit Report: PBF Data Integrity Audit 2025

Trustees may pull any individual item from the consent agenda for further review as needed. Each item was fully discussed during the committee meetings and all recommendations of the committees reflect the proposed action provided on the agenda.

**Board of Trustees
Full Board Meeting
February 11, 2026****Charter School Sponsor Approval**

Recommended Action:

Approve submission of application (Form IEPC-CUA) to become a charter school sponsor (authorizer) and local educational agency (LEA) through the Florida Department of Education.

Background Information:

UWF desires to make application to the Florida DOE to become a charter school sponsor throughout the State of Florida.

Implementation Plan:

If approved by the UWF BOT, our intent is to make apply to the Florida DOE by March 31st.

Fiscal Implications:

Sponsoring charter schools is expected to either generate income for the university or have a zero-sum outcome.

Relevant Authority:

Florida Statute 1002.33 Charter Schools (5)(a, b, c)

Supports Strategic Direction(s):

Strategic Direction 1: Student Centered and Focused

Strategic Direction 3: Exceptional Academic Programming and Scholarship Aligned with State Needs

Strategic Direction 4: Community and Economic Development

Supporting Documents:

1. Florida Statute 1002.33 Charter Schools (5)(a, b, c)

Prepared by:

Kristie Johnson, Board of Trustees Liaison, kjohnson8@uwf.edu

Presenter:

Manny Diaz, Jr., President-elect, mdiaz@uwf.edu

The 2025 Florida Statutes

Title XLVIII

EARLY LEARNING-20 EDUCATION CODE

Chapter 1002

STUDENT AND PARENTAL RIGHTS AND EDUCATIONAL CHOICES

[View Entire Chapter](#)

1002.33 Charter schools.—

(1) AUTHORIZATION.—All charter schools in Florida are public schools and shall be part of the state’s program of public education. A charter school may be formed by creating a new school or converting an existing public school to charter status. A charter school may operate a virtual charter school pursuant to s. 1002.45(1)(c) to provide online instruction to students, pursuant to s. 1002.455, in kindergarten through grade 12. The school district in which the student enrolls in the virtual charter school shall report the student for funding pursuant to s. 1011.61(1)(c)1.b.(VI), and the home school district shall not report the student for funding. An existing charter school that is seeking to become a virtual charter school must amend its charter or submit a new application pursuant to subsection (6) to become a virtual charter school. A virtual charter school is subject to the requirements of this section; however, a virtual charter school is exempt from subparagraph (7)(a)13., subsections (18) and (19), paragraph (20)(c), and s. 1003.03. A public school may not use the term charter in its name unless it has been approved under this section.

(2) GUIDING PRINCIPLES; PURPOSE; LEGISLATIVE INTENT.—

(a) Charter schools in Florida shall be guided by the following principles:

1. Meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within this state’s public school system.
2. Promote enhanced academic success and financial efficiency by aligning responsibility with accountability.
3. Provide parents with sufficient information on whether their child is reading at grade level and whether the child gains at least a year’s worth of learning for every year spent in the charter school.

(b) Charter schools shall fulfill the following purposes:

1. Improve student learning and academic achievement.
2. Increase learning opportunities for all students, with special emphasis on low-performing students and reading.
3. Encourage the use of innovative learning methods.
4. Require the measurement of learning outcomes.

(c) Charter schools may fulfill the following purposes:

1. Create innovative measurement tools.
2. Provide rigorous competition within the public school system to stimulate continual improvement in all public schools.
3. Expand the capacity of the public school system.
4. Mitigate the educational impact created by the development of new residential dwelling units.
5. Create new professional opportunities for teachers, including ownership of the learning program at the school site.

(d) It is the intent of the Legislature that charter school students be considered as important as all other students in this state and, to that end, comparable funding levels from existing and future sources should be maintained for charter school students.

(3) APPLICATION FOR CHARTER STATUS.—

(a) An application for a new charter school may be made by an individual, teachers, parents, a group of individuals, a municipality, or a legal entity organized under the laws of this state.

(b) An application for a conversion charter school must be made by the district school board, the principal, teachers, parents whose children are enrolled at the school, or the school advisory council at an existing public school that has been in operation for at least 2 years before the application to convert. A public school-within-a-school designated as a school by the district school board may also apply to convert to charter status. A municipality seeking to attract job-producing entities by establishing a job engine charter school pursuant to paragraph (15)(c) may apply to the district school board to convert an existing public school to a charter school. An application submitted proposing to convert an existing public school to a charter school must demonstrate the support of at least 50 percent of the parents voting whose children are enrolled at the school, provided that a majority of the parents eligible to vote participate in the ballot process, according to rules

adopted by the State Board of Education. A district school board, college, or state university that denies an application for a conversion charter school shall provide notice of denial to the applicants in writing within 10 days after the meeting at which the district school board denied the application. The notice must articulate in writing the specific reasons for denial and must provide documentation supporting those reasons. A private school, parochial school, or home education program is not eligible for charter school status.

(4) UNLAWFUL REPRISAL.—

(a) No district school board, or district school board employee who has control over personnel actions, shall take unlawful reprisal against another district school board employee because that employee is either directly or indirectly involved with an application to establish a charter school. As used in this subsection, the term “unlawful reprisal” means an action taken by a district school board or a school system employee against an employee who is directly or indirectly involved in a lawful application to establish a charter school, which occurs as a direct result of that involvement, and which results in one or more of the following: disciplinary or corrective action; adverse transfer or reassignment, whether temporary or permanent; suspension, demotion, or dismissal; an unfavorable performance evaluation; a reduction in pay, benefits, or rewards; elimination of the employee’s position absent of a reduction in workforce as a result of lack of moneys or work; or other adverse significant changes in duties or responsibilities that are inconsistent with the employee’s salary or employment classification. The following procedures shall apply to an alleged unlawful reprisal that occurs as a consequence of an employee’s direct or indirect involvement with an application to establish a charter school:

1. Within 60 days after the date upon which a reprisal prohibited by this subsection is alleged to have occurred, an employee may file a complaint with the Department of Education.

2. Within 3 working days after receiving a complaint under this section, the Department of Education shall acknowledge receipt of the complaint and provide copies of the complaint and any other relevant preliminary information available to each of the other parties named in the complaint, which parties shall each acknowledge receipt of such copies to the complainant.

3. If the Department of Education determines that the complaint demonstrates reasonable cause to suspect that an unlawful reprisal has occurred, the Department of Education shall conduct an investigation to produce a fact-finding report.

4. Within 90 days after receiving the complaint, the Department of Education shall provide the district school superintendent of the complainant's district and the complainant with a fact-finding report that may include recommendations to the parties or a proposed resolution of the complaint. The fact-finding report shall be presumed admissible in any subsequent or related administrative or judicial review.

5. If the Department of Education determines that reasonable grounds exist to believe that an unlawful reprisal has occurred, is occurring, or is to be taken, and is unable to conciliate a complaint within 60 days after receipt of the fact-finding report, the Department of Education shall terminate the investigation. Upon termination of any investigation, the Department of Education shall notify the complainant and the district school superintendent of the termination of the investigation, providing a summary of relevant facts found during the investigation and the reasons for terminating the investigation. A written statement under this paragraph is presumed admissible as evidence in any judicial or administrative proceeding.

6. The Department of Education shall either contract with the Division of Administrative Hearings under s. 120.65, or otherwise provide for a complaint for which the Department of Education determines reasonable grounds exist to believe that an unlawful reprisal has occurred, is occurring, or is to be taken, and is unable to conciliate, to be heard by a panel of impartial persons. Upon hearing the complaint, the panel shall make findings of fact and conclusions of law for a final decision by the Department of Education.

It shall be an affirmative defense to any action brought pursuant to this section that the adverse action was predicated upon grounds other than, and would have been taken absent, the employee's exercise of rights protected by this section.

(b) In any action brought under this section for which it is determined reasonable grounds exist to believe that an unlawful reprisal has occurred, is occurring, or is to be taken, the relief shall include the following:

1. Reinstatement of the employee to the same position held before the unlawful reprisal was commenced, or to an equivalent position, or payment of reasonable front pay as alternative relief.

2. Reinstatement of the employee's full fringe benefits and seniority rights, as appropriate.

3. Compensation, if appropriate, for lost wages, benefits, or other lost remuneration caused by the unlawful reprisal.

4. Payment of reasonable costs, including attorney's fees, to a substantially prevailing employee, or to the prevailing employer if the employee filed a frivolous action in bad faith.
5. Issuance of an injunction, if appropriate, by a court of competent jurisdiction.
6. Temporary reinstatement to the employee's former position or to an equivalent position, pending the final outcome of the complaint, if it is determined that the action was not made in bad faith or for a wrongful purpose, and did not occur after a district school board's initiation of a personnel action against the employee that includes documentation of the employee's violation of a disciplinary standard or performance deficiency.

(5) SPONSOR; DUTIES.—

(a) Sponsoring entities.—

1. A district school board may sponsor a charter school in the county over which the district school board has jurisdiction.
2. A state university may grant a charter to a lab school created under s. 1002.32 and shall be considered to be the school's sponsor. Such school shall be considered a charter lab school.
3. Because needs relating to educational capacity, workforce qualifications, and career education opportunities are constantly changing and extend beyond school district boundaries:
 - a. A state university may, upon approval by the Department of Education, solicit applications and sponsor a charter school to meet regional education or workforce demands by serving students from multiple school districts.
 - b. A Florida College System institution may, upon approval by the Department of Education, solicit applications and sponsor a charter school in any county within its service area to meet workforce demands and may offer postsecondary programs leading to industry certifications to eligible charter school students. A charter school established under subparagraph (b)4. may not be sponsored by a Florida College System institution until its existing charter with the school district expires as provided under subsection (7).
 - c. Notwithstanding paragraph (6)(b), a state university or Florida College System institution may, at its discretion, deny an application for a charter school.
 - d. The Charter School Review Commission, as authorized under s. 1002.3301, may solicit and review applications for charter schools overseen by district school boards and, upon the commission approving an application, the district school board that oversees the school district in which the charter school will be located shall serve as sponsor.

(b) Sponsor duties.—

- 1.a. The sponsor shall monitor and review the charter school, using the standard monitoring tool, in its progress toward the goals established in the charter.
- b. The sponsor shall monitor the revenues and expenditures of the charter school and perform the duties provided in s. 1002.345.
- c. The sponsor may approve a charter for a charter school before the applicant has identified space, equipment, or personnel, if the applicant indicates approval is necessary for it to raise working funds.
- d. The sponsor may not apply its policies to a charter school unless mutually agreed to by both the sponsor and the charter school. If the sponsor subsequently amends any agreed-upon sponsor policy, the version of the policy in effect at the time of the execution of the charter, or any subsequent modification thereof, shall remain in effect and the sponsor may not hold the charter school responsible for any provision of a newly revised policy until the revised policy is mutually agreed upon.
- e. The sponsor shall ensure that the charter is innovative and consistent with the state education goals established by s. 1000.03(5).
- f. The sponsor shall ensure that the charter school participates in the state's education accountability system. If a charter school falls short of performance measures included in the approved charter, the sponsor shall report such shortcomings to the Department of Education.
- g. The sponsor is not liable for civil damages under state law for personal injury, property damage, or death resulting from an act or omission of an officer, employee, agent, or governing body of the charter school.
- h. The sponsor is not liable for civil damages under state law for any employment actions taken by an officer, employee, agent, or governing body of the charter school.
- i. The sponsor's duties to monitor the charter school do not constitute the basis for a private cause of action.
- j. The sponsor may not impose additional reporting requirements on a charter school as long as the charter school has not been identified as having a deteriorating financial condition or financial emergency pursuant to s. 1002.345.
- k. The sponsor may not impose upon a charter school administrative deadlines that are earlier than the sponsor's own corresponding deadlines for similar reports or submissions. Any deadline imposed upon a charter school for financial audits or other administrative

requirements may not be earlier than 15 days before the sponsor's own deadline for similar submissions to the department.

l. The sponsor shall submit an annual report to the Department of Education in a web-based format to be determined by the department.

(l) The report must include the following information:

(A) The number of applications received during the school year and up to August 1 and each applicant's contact information.

(B) The date each application was approved, denied, or withdrawn.

(C) The date each final contract was executed.

(II) Annually, by November 1, the sponsor shall submit to the department the information for the applications submitted the previous year.

(III) The department shall compile an annual report, by sponsor, and post the report on its website by January 15 of each year.

2. Immunity for the sponsor of a charter school under subparagraph 1. applies only with respect to acts or omissions not under the sponsor's direct authority as described in this section.

3. This paragraph does not waive a sponsor's sovereign immunity.

4. A Florida College System institution may work with the school district or school districts in its designated service area to develop charter schools that offer secondary education. These charter schools must include an option for students to receive an associate degree upon high school graduation. If a Florida College System institution operates an approved teacher preparation program under s. 1004.04 or s. 1004.85, the institution may operate charter schools that serve students in kindergarten through grade 12 in any school district within the service area of the institution. District school boards shall cooperate with and assist the Florida College System institution on the charter application. Florida College System institution applications for charter schools are not subject to the time deadlines outlined in subsection (6) and may be approved by the district school board at any time during the year. Florida College System institutions may not report FTE for any students participating under this subparagraph who receive FTE funding through the Florida Education Finance Program.

5. For purposes of assisting the development of a charter school, a school district may enter into nonexclusive interlocal agreements with federal and state agencies, counties, municipalities, and other governmental entities that operate within the geographical

borders of the school district to act on behalf of such governmental entities in the inspection, issuance, and other necessary activities for all necessary permits, licenses, and other permissions that a charter school needs in order for development, construction, or operation. A charter school may use, but may not be required to use, a school district for these services. The interlocal agreement must include, but need not be limited to, the identification of fees that charter schools will be charged for such services. The fees must consist of the governmental entity's fees plus a fee for the school district to recover no more than actual costs for providing such services. These services and fees are not included within the services to be provided pursuant to subsection (20). Notwithstanding any other provision of law, an interlocal agreement or ordinance that imposes a greater regulatory burden on charter schools than school districts or that prohibits or limits the creation of a charter school is void and unenforceable. An interlocal agreement entered into by a school district for the development of only its own schools, including provisions relating to the extension of infrastructure, may be used by charter schools.

6. The board of trustees of a sponsoring state university or Florida College System institution under paragraph (a) is the local educational agency for all charter schools it sponsors for purposes of receiving federal funds and accepts full responsibility for all local educational agency requirements and the schools for which it will perform local educational agency responsibilities. A student enrolled in a charter school that is sponsored by a state university or Florida College System institution may not be included in the calculation of the school district's grade under s. 1008.34(5) for the school district in which he or she resides.

(c) Sponsor accountability.—

1. The department shall, in collaboration with charter school sponsors and charter school operators, develop a sponsor evaluation framework that must address, at a minimum:

- a. The sponsor's strategic vision for charter school authorization and the sponsor's progress toward that vision.
- b. The alignment of the sponsor's policies and practices to best practices for charter school authorization.
- c. The academic and financial performance of all operating charter schools overseen by the sponsor.
- d. The status of charter schools authorized by the sponsor, including approved, operating, and closed schools.

2. The department shall compile the results by sponsor and include the results in the report required under sub-sub-subparagraph (b)1.l.(III).

(6) APPLICATION PROCESS AND REVIEW.—Charter school applications are subject to the following requirements:

(a) A person or entity seeking to open a charter school shall prepare and submit an application on the standard application form prepared by the Department of Education which:

1. Demonstrates how the school will use the guiding principles and meet the statutorily defined purpose of a charter school.
2. Provides a detailed curriculum plan that illustrates how students will be provided services to attain the state academic standards.
3. Contains goals and objectives for improving student learning and measuring that improvement. These goals and objectives must indicate how much academic improvement students are expected to show each year, how success will be evaluated, and the specific results to be attained through instruction.
4. Describes the reading curriculum and differentiated strategies that will be used for students reading at grade level or higher and a separate curriculum and strategies for students who are reading below grade level. Reading instructional strategies for foundational skills shall include phonics instruction for decoding and encoding as the primary instructional strategy for word reading. Instructional strategies may not employ the three-cueing system model of reading or visual memory as a basis for teaching word reading. Such strategies may include visual information and strategies that improve background and experiential knowledge, add context, and increase oral language and vocabulary to support comprehension, but may not be used to teach word reading. A sponsor shall deny an application if the school does not propose a reading curriculum that is consistent with effective teaching strategies that are grounded in scientifically based reading research.
5. Contains an annual financial plan for each year requested by the charter for operation of the school for up to 5 years. This plan must contain anticipated fund balances based on revenue projections, a spending plan based on projected revenues and expenses, and a description of controls that will safeguard finances and projected enrollment trends.
6. Discloses the name of each applicant, governing board member, and all proposed education services providers; the name and sponsor of any charter school operated by each applicant, each governing board member, and each proposed education services

provider that has closed and the reasons for the closure; and the academic and financial history of such charter schools, which the sponsor shall consider in deciding whether to approve or deny the application.

7. Contains additional information a sponsor may require, which shall be attached as an addendum to the charter school application described in this paragraph.

8. For the establishment of a virtual charter school, documents that the applicant has contracted with a provider of virtual instruction services pursuant to s. 1002.45(1)(c).

9. Describes the mathematics curriculum and differentiated strategies that will be used for students performing at grade level or higher and a separate mathematics curriculum and strategies for students who are performing below grade level.

(b) A sponsor shall receive and review all applications for a charter school using the evaluation instrument developed by the Department of Education. A sponsor shall receive and consider charter school applications for charter schools to be opened at a time determined by the applicant. A sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of a final application upon the promise of future payment of any kind. Before approving or denying any application, the sponsor shall allow the applicant, upon receipt of written notification, at least 7 calendar days to make technical or nonsubstantive corrections and clarifications, including, but not limited to, corrections of grammatical, typographical, and like errors or missing signatures, if such errors are identified by the sponsor as cause to deny the final application.

1. In order to ensure fiscal responsibility, an application for a charter school shall include a full accounting of expected assets; a projection of expected sources and amounts of income, including income derived from projected student enrollments and from community support; and an expense projection that includes full accounting of the costs of operation, including start-up costs.

2.a. A sponsor shall by a majority vote approve or deny an application no later than 90 calendar days after the application is received, unless the sponsor and the applicant mutually agree in writing to temporarily postpone the vote to a specific date, at which time the sponsor shall by a majority vote approve or deny the application. If the sponsor fails to act on the application, an applicant may appeal to the State Board of Education as provided in paragraph (c). If an application is denied, the sponsor shall, within 10 calendar days after such denial, articulate in writing the specific reasons, based upon good cause, supporting its denial of the application and shall provide the letter of denial and supporting documentation to the applicant and to the Department of Education.

b. An application submitted by a high-performing charter school identified pursuant to s. 1002.331 or a high-performing charter school system identified pursuant to s. 1002.332 may be denied by the sponsor only if the sponsor demonstrates by clear and convincing evidence that:

(I) The application of a high-performing charter school does not materially comply with the requirements in paragraph (a) or, for a high-performing charter school system, the application does not materially comply with s. 1002.332(2)(b);

(II) The charter school proposed in the application does not materially comply with the requirements in paragraphs (9)(a)-(f);

(III) The proposed charter school's educational program does not substantially replicate that of the applicant or one of the applicant's high-performing charter schools;

(IV) The applicant has made a material misrepresentation or false statement or concealed an essential or material fact during the application process; or

(V) The proposed charter school's educational program and financial management practices do not materially comply with the requirements of this section.

Material noncompliance is a failure to follow requirements or a violation of prohibitions applicable to charter school applications, which failure is quantitatively or qualitatively significant either individually or when aggregated with other noncompliance. An applicant is considered to be replicating a high-performing charter school if the proposed school is substantially similar to at least one of the applicant's high-performing charter schools and the organization or individuals involved in the establishment and operation of the proposed school are significantly involved in the operation of replicated schools.

c. If the sponsor denies an application submitted by a high-performing charter school or a high-performing charter school system, the sponsor must, within 10 calendar days after such denial, state in writing the specific reasons, based upon the criteria in sub-subparagraph b., supporting its denial of the application and must provide the letter of denial and supporting documentation to the applicant and to the Department of Education. The applicant may appeal the sponsor's denial of the application in accordance with paragraph (c).

3. For budget projection purposes, the sponsor shall report to the Department of Education the approval or denial of an application within 10 calendar days after such approval or denial. In the event of approval, the report to the Department of Education shall include the final projected FTE for the approved charter school.

4. A charter school may defer the opening of the school's operations for up to 3 years to provide time for adequate facility planning. The charter school must provide written notice of such intent to the sponsor and the parents of enrolled students at least 30 calendar days before the first day of school.

(c)1. An applicant may appeal any denial of that applicant's application or failure to act on an application to the State Board of Education no later than 30 calendar days after receipt of the sponsor's decision or failure to act and shall notify the sponsor of its appeal. Any response of the sponsor shall be submitted to the State Board of Education within 30 calendar days after notification of the appeal. Upon receipt of notification from the State Board of Education that a charter school applicant is filing an appeal, the Commissioner of Education shall convene a meeting of the Charter School Appeal Commission to study and make recommendations to the State Board of Education regarding its pending decision about the appeal. The commission shall forward its recommendation to the state board at least 7 calendar days before the date on which the appeal is to be heard.

2. The Charter School Appeal Commission may reject an appeal submission for failure to comply with procedural rules governing the appeals process. The rejection shall describe the submission errors. The appellant shall have 15 calendar days after notice of rejection in which to resubmit an appeal that meets the requirements set forth in State Board of Education rule. An appeal submitted subsequent to such rejection is considered timely if the original appeal was filed within 30 calendar days after receipt of notice of the specific reasons for the sponsor's denial of the charter application.

3.a. The State Board of Education shall by majority vote accept or reject the decision of the sponsor no later than 90 calendar days after an appeal is filed in accordance with State Board of Education rule. The State Board of Education shall remand the application to the sponsor with its written decision that the sponsor approve or deny the application. The sponsor shall implement the decision of the State Board of Education. The decision of the State Board of Education is not subject to the provisions of the Administrative Procedure Act, chapter 120.

b. If an appeal concerns an application submitted by a high-performing charter school identified pursuant to s. 1002.331 or a high-performing charter school system identified pursuant to s. 1002.332, the State Board of Education shall determine whether the sponsor's denial was in accordance with sub-subparagraph (b)2.b.

(d)1. The sponsor shall act upon the decision of the State Board of Education within 30 calendar days after it is received. The State Board of Education's decision is a final action subject to judicial review in the district court of appeal. A prevailing party may file an action

with the Division of Administrative Hearings to recover reasonable attorney fees and costs incurred during the denial of the application and any appeals.

2. A school district that fails to implement the decision affirmed by a district court of appeal shall reduce the administrative fees withheld pursuant to subsection (20) to 1 percent for all charter schools operating in the school district. Such school districts shall file a monthly report detailing the reduction in the amount of administrative fees withheld. Upon execution of the charter, the sponsor may resume withholding the full amount of administrative fees but may not recover any fees that would have otherwise accrued during the period of noncompliance. Any charter school that had administrative fees withheld in violation of this paragraph may recover attorney fees and costs to enforce the requirements of this paragraph.

(e)1. A Charter School Appeal Commission is established to assist the commissioner and the State Board of Education with a fair and impartial review of appeals by applicants whose charter applications have been denied, whose charter contracts have not been renewed, or whose charter contracts have been terminated by their sponsors.

2. The Charter School Appeal Commission may receive copies of the appeal documents forwarded to the State Board of Education, review the documents, gather other applicable information regarding the appeal, and make a written recommendation to the commissioner. The recommendation must state whether the appeal should be upheld or denied and include the reasons for the recommendation being offered. The commissioner shall forward the recommendation to the State Board of Education no later than 7 calendar days prior to the date on which the appeal is to be heard. The state board must consider the commission's recommendation in making its decision, but is not bound by the recommendation. The decision of the Charter School Appeal Commission is not subject to the provisions of the Administrative Procedure Act, chapter 120.

3. The commissioner shall appoint a number of members to the Charter School Appeal Commission sufficient to ensure that no potential conflict of interest exists for any commission appeal decision. Members shall serve without compensation but may be reimbursed for travel and per diem expenses in conjunction with their service. Of the members hearing the appeal, one-half must represent currently operating charter schools and one-half must represent sponsors. The commissioner or a named designee shall chair the Charter School Appeal Commission.

4. The chair shall convene meetings of the commission and shall ensure that the written recommendations are completed and forwarded in a timely manner. In cases where the

commission cannot reach a decision, the chair shall make the written recommendation with justification, noting that the decision was rendered by the chair.

5. Commission members shall thoroughly review the materials presented to them from the appellant and the sponsor. The commission may request information to clarify the documentation presented to it. In the course of its review, the commission may facilitate the postponement of an appeal in those cases where additional time and communication may negate the need for a formal appeal and both parties agree, in writing, to postpone the appeal to the State Board of Education. A new date certain for the appeal shall then be set based upon the rules and procedures of the State Board of Education. Commission members shall provide a written recommendation to the state board as to whether the appeal should be upheld or denied. A fact-based justification for the recommendation must be included. The chair must ensure that the written recommendation is submitted to the State Board of Education members no later than 7 calendar days prior to the date on which the appeal is to be heard. Both parties in the case shall also be provided a copy of the recommendation.

(f)1. The Department of Education shall provide or arrange for training and technical assistance to charter schools in developing and adjusting business plans and accounting for costs and income. Training and technical assistance shall also address, at a minimum, state and federal grant and student performance accountability reporting requirements and provide assistance in identifying and applying for the types and amounts of state and federal financial assistance the charter school may be eligible to receive. The department may provide other technical assistance to an applicant upon written request.

2. A charter school applicant must participate in the training provided by the Department of Education after approval of an application but at least 30 calendar days before the first day of classes at the charter school. However, a sponsor may require the charter school applicant to attend training provided by the sponsor in lieu of the department's training if the sponsor's training standards meet or exceed the standards developed by the department. In such case, the sponsor may not require the charter school applicant to attend the training within 30 calendar days before the first day of classes at the charter school. The training must include instruction in accurate financial planning and good business practices. If the applicant is a management company or a nonprofit organization, the charter school principal and the chief financial officer or his or her equivalent must also participate in the training. A sponsor may not require a high-performing charter school or high-performing charter school system applicant to participate in the training described in this subparagraph more than once.

(g) In considering charter applications for a lab school, a state university shall consult with the district school board of the county in which the lab school is located. The decision of a state university may be appealed pursuant to the procedure established in this subsection.

(7) CHARTER.—The terms and conditions for the operation of a charter school, including a virtual charter school, shall be set forth by the sponsor and the applicant in a written contractual agreement, called a charter. The sponsor and the governing board of the charter school or virtual charter school shall use the standard charter contract or standard virtual charter contract, respectively, pursuant to subsection (21), which shall incorporate the approved application and any addenda approved with the application. Any term or condition of a proposed charter contract or proposed virtual charter contract that differs from the standard charter or virtual charter contract adopted by rule of the State Board of Education shall be presumed a limitation on charter school flexibility. The sponsor may not impose unreasonable rules or regulations that violate the intent of giving charter schools greater flexibility to meet educational goals. The charter shall be signed by the governing board of the charter school and the sponsor, following a public hearing to ensure community input.

(a) The charter shall address and criteria for approval of the charter shall be based on:

1. The school's mission, the types of students to be served, and, for a virtual charter school, the types of students the school intends to serve who reside outside of the sponsoring school district, and the ages and grades to be included.
2. The focus of the curriculum, the instructional methods to be used, any distinctive instructional techniques to be employed, and identification and acquisition of appropriate technologies needed to improve educational and administrative performance which include a means for promoting safe, ethical, and appropriate uses of technology which comply with legal and professional standards.

a. The charter shall ensure that reading is a primary focus of the curriculum and that resources are provided to identify and provide specialized instruction for students who are reading below grade level. The curriculum and instructional strategies for reading must be consistent with the state's academic standards and grounded in scientifically based reading research. Reading instructional strategies for foundational skills shall include phonics instruction for decoding and encoding as the primary instructional strategy for word reading. Instructional strategies may not employ the three-cueing system model of reading or visual memory as a basis for teaching word reading. Such strategies may include visual information and strategies that improve background and experiential knowledge, add

context, and increase oral language and vocabulary to support comprehension, but may not be used to teach word reading.

b. The charter shall ensure that mathematics is a focus of the curriculum and that resources are provided to identify and provide specialized instruction for students who are performing below grade level.

c. In order to provide students with access to diverse instructional delivery models, to facilitate the integration of technology within traditional classroom instruction, and to provide students with the skills they need to compete in the 21st century economy, the Legislature encourages instructional methods for blended learning courses consisting of both traditional classroom and online instructional techniques. Charter schools may implement blended learning courses which combine traditional classroom instruction and virtual instruction. Students in a blended learning course must be full-time students of the charter school pursuant to s. 1011.61(1)(a)1. Instructional personnel certified pursuant to s. 1012.55 who provide virtual instruction for blended learning courses may be employees of the charter school or may be under contract to provide instructional services to charter school students. At a minimum, such instructional personnel must hold an active state or school district adjunct certification under s. 1012.57 for the subject area of the blended learning course. The funding and performance accountability requirements for blended learning courses are the same as those for traditional courses.

3. The current incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used. The criteria listed in this subparagraph shall include a detailed description of:

a. How the baseline student academic achievement levels and prior rates of academic progress will be established.

b. How these baseline rates will be compared to rates of academic progress achieved by these same students while attending the charter school.

c. To the extent possible, how these rates of progress will be evaluated and compared with rates of progress of other closely comparable student populations.

A district school board is required to provide academic student performance data to charter schools for each of their students coming from the district school system, as well as rates of academic progress of comparable student populations in the district school system.

4. The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the charter school. The methods shall provide a means for the charter school to ensure accountability to its constituents by analyzing student performance data and by evaluating the effectiveness and efficiency of its major educational programs. Students in charter schools shall, at a minimum, participate in the statewide assessment program created under s. 1008.22.
5. In secondary charter schools, a method for determining that a student has satisfied the requirements for graduation in s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.
6. A method for resolving conflicts between the governing board of the charter school and the sponsor.
7. The admissions procedures and dismissal procedures, including the school's code of student conduct. Admission or dismissal must not be based on a student's academic performance, except as authorized under subparagraph (10)(e)5.
8. The ways by which the school will achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other nearby public schools or school districts.
9. The financial and administrative management of the school, including a reasonable demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school or those hired or retained to perform such professional services and the description of clearly delineated responsibilities and the policies and practices needed to effectively manage the charter school. A description of internal audit procedures and establishment of controls to ensure that financial resources are properly managed must be included. Both public sector and private sector professional experience shall be equally valid in such a consideration.
10. The asset and liability projections required in the application which are incorporated into the charter and shall be compared with information provided in the annual report of the charter school.
11. A description of procedures that identify various risks and provide for a comprehensive approach to reduce the impact of losses; plans to ensure the safety and security of students and staff; plans to identify, minimize, and protect others from violent or disruptive student behavior; and the manner in which the school will be insured, including whether or not the school will be required to have liability insurance, and, if so, the terms and conditions thereof and the amounts of coverage.

12. The term of the charter which shall provide for cancellation of the charter if insufficient progress has been made in attaining the student achievement objectives of the charter and if it is not likely that such objectives can be achieved before expiration of the charter. The initial term of a charter shall be for 5 years, excluding 2 planning years. In order to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a municipality or other public entity as provided by law are eligible for up to a 15-year charter, subject to approval by the sponsor. A charter lab school is eligible for a charter for a term of up to 15 years. In addition, to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a private, not-for-profit, s. 501(c)(3) status corporation are eligible for up to a 15-year charter, subject to approval by the sponsor. Such long-term charters remain subject to annual review and may be terminated during the term of the charter, but only according to the provisions set forth in subsection (8).

13. The facilities to be used and their location. The sponsor may not require a charter school to have a certificate of occupancy or a temporary certificate of occupancy for such a facility earlier than 15 calendar days before the first day of school.

14. The qualifications to be required of the teachers and the potential strategies used to recruit, hire, train, and retain qualified staff to achieve best value.

15. The governance structure of the school, including the status of the charter school as a public or private employer as required in paragraph (12)(i).

16. A timetable for implementing the charter which addresses the implementation of each element thereof and the date by which the charter shall be awarded in order to meet this timetable.

17. In the case of an existing public school that is being converted to charter status, alternative arrangements for current students who choose not to attend the charter school and for current teachers who choose not to teach in the charter school after conversion in accordance with the existing collective bargaining agreement or district school board rule in the absence of a collective bargaining agreement. However, alternative arrangements shall not be required for current teachers who choose not to teach in a charter lab school, except as authorized by the employment policies of the state university which grants the charter to the lab school.

18. Full disclosure of the identity of all relatives employed by the charter school who are related to the charter school owner, president, chairperson of the governing board of directors, superintendent, governing board member, principal, assistant principal, or any other person employed by the charter school who has equivalent decisionmaking

authority. For the purpose of this subparagraph, the term “relative” means father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

19. Implementation of the activities authorized under s. 1002.331 by the charter school when it satisfies the eligibility requirements for a high-performing charter school. A high-performing charter school shall notify its sponsor in writing by March 1 if it intends to increase enrollment or expand grade levels the following school year. The written notice shall specify the amount of the enrollment increase and the grade levels that will be added, as applicable.

(b) The sponsor has 30 days after approval of the application to provide an initial proposed charter contract to the charter school. The applicant and the sponsor have 40 days thereafter to negotiate and notice the charter contract for final approval by the sponsor unless both parties agree to an extension. The proposed charter contract shall be provided to the charter school at least 7 calendar days before the date of the meeting at which the charter is scheduled to be voted upon by the sponsor. The Department of Education shall provide mediation services for any dispute regarding this section subsequent to the approval of a charter application and for any dispute relating to the approved charter, except a dispute regarding a charter school application denial. If either the charter school or the sponsor indicates in writing that the party does not desire to settle any dispute arising under this section through mediation procedures offered by the Department of Education, a charter school may immediately appeal any formal or informal decision by the sponsor to an administrative law judge appointed by the Division of Administrative Hearings. If the Commissioner of Education determines that the dispute cannot be settled through mediation, the dispute may also be appealed to an administrative law judge appointed by the Division of Administrative Hearings. The administrative law judge has final order authority to rule on issues of equitable treatment of the charter school as a public school, whether proposed provisions of the charter violate the intended flexibility granted charter schools by statute, or any other matter regarding this section, except a dispute regarding charter school application denial, a charter termination, or a charter nonrenewal. The administrative law judge shall award the prevailing party reasonable attorney fees and costs incurred during the mediation process, administrative proceeding, and any appeals, to be paid by the party against whom the administrative law judge rules.

(c)1. A charter may be renewed provided that a program review demonstrates that the criteria in paragraph (a) have been successfully accomplished and that none of the grounds for nonrenewal established by paragraph (8)(a) have been expressly found. The charter of a charter school that meets these requirements and has received a school grade lower than a “B” pursuant to s. 1008.34 in the most recently graded school year must be renewed for no less than a 5-year term except as provided in paragraph (9)(n). In order to facilitate long-term financing for charter school construction, charter schools operating for a minimum of 3 years and demonstrating exemplary academic programming and fiscal management are eligible for a 15-year charter renewal. Such long-term charter is subject to annual review and may be terminated during the term of the charter.

2. The 15-year charter renewal that may be granted pursuant to subparagraph 1. must be granted to a charter school that has received a school grade of “A” or “B” pursuant to s. 1008.34 in the most recently graded school year and that is not in a state of financial emergency or deficit position as defined by this section. Such long-term charter is subject to annual review and may be terminated during the term of the charter pursuant to subsection (8).

(d) A charter may be modified during its term upon the recommendation of the sponsor or the charter school’s governing board and the approval of both parties to the agreement. Changes to curriculum which are consistent with state standards shall be deemed approved unless the sponsor and the Department of Education determine in writing that the curriculum is inconsistent with state standards. Modification during any term may include, but is not limited to, consolidation of multiple charters into a single charter if the charters are operated under the same governing board, regardless of the renewal cycle. A charter school that is not subject to a school improvement plan and that closes as part of a consolidation shall be reported by the sponsor as a consolidation. A request for consolidation of multiple charters must be approved or denied within 60 days after the submission of the request. If the request is denied, the sponsor shall notify the charter school’s governing board of the denial and provide the specific reasons, in reasonable detail, for the denial of the request for consolidation within 10 days.

(e) A charter may be terminated by a charter school’s governing board through voluntary closure. The decision to cease operations must be determined at a public meeting. The governing board shall notify the parents and sponsor of the public meeting in writing before the public meeting. The governing board must notify the sponsor, parents of enrolled students, and the department in writing within 24 hours after the public meeting of its determination. The notice shall state the charter school’s intent to continue operations or the reason for the closure and acknowledge that the governing board agrees to follow the

procedures for dissolution and reversion of public funds pursuant to paragraphs (8)(d)-(f) and (9)(o).

(f) A charter may include a provision requiring the charter school to be held responsible for all costs associated with, but not limited to, mediation, damages, and attorney fees incurred by the district in connection with complaints to the Office of Civil Rights or the Equal Employment Opportunity Commission.

(8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

(a) The sponsor shall make student academic achievement for all students the most important factor when determining whether to renew or terminate the charter. The sponsor may choose not to renew or may terminate the charter only if the sponsor expressly finds that one of the grounds set forth below exists by clear and convincing evidence:

1. Failure to participate in the state's education accountability system created in s. 1008.31, as required in this section, or failure to meet the requirements for student performance stated in the charter.
2. Failure to meet generally accepted standards of fiscal management due to deteriorating financial conditions or financial emergencies determined pursuant to s. 1002.345.
3. Material violation of law.

(b) Before a vote on any proposed action to renew; terminate, other than an immediate termination under paragraph (c); or not renew the charter and at least 90 days before the end of the school year, the sponsor shall notify the governing board of the school in writing of the proposed action to renew, terminate, or not renew the charter. A charter automatically renews with the same terms and conditions if notification does not occur at least 90 days before the end of the school year. The notice shall state in reasonable detail the grounds for the proposed action and stipulate that the school's governing board may, within 14 calendar days after receiving the notice, request a hearing. The hearing shall be conducted by an administrative law judge assigned by the Division of Administrative Hearings. The hearing shall be conducted within 90 days after receipt of the request for a hearing and in accordance with chapter 120. The administrative law judge's final order shall be submitted to the sponsor. The administrative law judge shall award the prevailing party reasonable attorney fees and costs incurred during the administrative proceeding and any appeals. The charter school's governing board may, within 30 calendar days after receiving the final order, appeal the decision pursuant to s. 120.68.

(c) A charter may be terminated immediately if the sponsor sets forth in writing the particular facts and circumstances demonstrating that an immediate and serious danger to the health, safety, or welfare of the charter school's students exists; that the immediate and serious danger is likely to continue; and that an immediate termination of the charter is necessary. The sponsor's determination is subject to the procedures set forth in paragraph (b), except that the hearing may take place after the charter has been terminated. The sponsor shall notify in writing the charter school's governing board, the charter school principal, and the department of the facts and circumstances supporting the immediate termination. The sponsor shall clearly identify the specific issues that resulted in the immediate termination and provide evidence of prior notification of issues resulting in the immediate termination, if applicable. Upon receiving written notice from the sponsor, the charter school's governing board has 10 calendar days to request a hearing. A requested hearing must be expedited and the final order must be issued within 60 days after the date of request. The administrative law judge shall award reasonable attorney fees and costs to the prevailing party of any injunction, administrative proceeding, or appeal. The sponsor may seek an injunction in the circuit court in which the charter school is located to enjoin continued operation of the charter school if continued operation would materially threaten the health, safety, or welfare of the students.

(d) When a charter is not renewed or is terminated, the school shall be dissolved under the provisions of law under which the school was organized, and any unencumbered public funds, except for capital outlay funds and federal charter school program grant funds, from the charter school shall revert to the sponsor. Capital outlay funds provided pursuant to s. 1013.62 and federal charter school program grant funds that are unencumbered shall revert to the department to be redistributed among eligible charter schools. In the event a charter school is dissolved or is otherwise terminated, all sponsor property and improvements, furnishings, and equipment purchased with public funds shall automatically revert to full ownership by the sponsor, subject to complete satisfaction of any lawful liens or encumbrances. Any unencumbered public funds from the charter school, property and improvements, furnishings, and equipment purchased with public funds, or financial or other records pertaining to the charter school, in the possession of any person, entity, or holding company, other than the charter school, shall be held in trust upon the sponsor's request, until any appeal status is resolved.

(e) If a charter is not renewed or is terminated, the charter school is responsible for all debts of the charter school. The sponsor may not assume the debt from any contract made between the governing body of the school and a third party, except for a debt that is previously detailed and agreed upon in writing by both the sponsor and the governing body

of the school and that may not reasonably be assumed to have been satisfied by the sponsor.

(f) If a charter is not renewed or is terminated, a student who attended the school may apply to, and shall be enrolled in, another public school. Normal application deadlines shall be disregarded under such circumstances.

(9) CHARTER SCHOOL REQUIREMENTS.—

(a) A charter school shall be nonsectarian in its programs, admission policies, employment practices, and operations.

(b) A charter school shall admit students as provided in subsection (10).

(c) A charter school shall be accountable to its sponsor for performance as provided in subsection (7).

(d) A charter school shall not charge tuition or registration fees, except those fees normally charged by other public schools. However, a charter lab school may charge a student activity and service fee as authorized by s. 1002.32(5).

(e) A charter school shall meet all applicable state and local health, safety, and civil rights requirements.

(f) A charter school shall not violate the antidiscrimination provisions of s. 1000.05.

(g)1. In order to provide financial information that is comparable to that reported for other public schools, charter schools are to maintain all financial records that constitute their accounting system:

a. In accordance with the accounts and codes prescribed in the most recent issuance of the publication titled “Financial and Program Cost Accounting and Reporting for Florida Schools”; or

b. At the discretion of the charter school’s governing board, a charter school may elect to follow generally accepted accounting standards for not-for-profit organizations, but must reformat this information for reporting according to this paragraph.

2. Charter schools shall provide annual financial report and program cost report information in the state-required formats for inclusion in sponsor reporting in compliance with s. 1011.60(1). Charter schools that are operated by a municipality or are a component unit of a parent nonprofit organization may use the accounting system of the municipality or the parent but must reformat this information for reporting according to this paragraph.

3. A charter school shall, upon approval of the charter contract, provide the sponsor with a concise, uniform, monthly financial statement summary sheet that contains a balance sheet and a statement of revenue, expenditures, and changes in fund balance. The balance sheet and the statement of revenue, expenditures, and changes in fund balance shall be in the governmental funds format prescribed by the Governmental Accounting Standards Board. A high-performing charter school pursuant to s. 1002.331 may provide a quarterly financial statement in the same format and requirements as the uniform monthly financial statement summary sheet. The sponsor shall review each monthly or quarterly financial statement to identify the existence of any conditions identified in s. 1002.345(1)(a).

4. A charter school shall maintain and provide financial information as required in this paragraph. The financial statement required in subparagraph 3. must be in a form prescribed by the Department of Education.

(h) The governing board of the charter school shall annually adopt and maintain an operating budget.

(i) The governing body of the charter school shall exercise continuing oversight over charter school operations.

(j) The governing body of the charter school shall be responsible for:

1. Establishing and maintaining internal controls designed to:

a. Prevent and detect fraud, waste, and abuse as defined in s. 11.45(1).

b. Promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices.

c. Support economical and efficient operations.

d. Ensure reliability of financial records and reports.

e. Safeguard assets.

2. Ensuring that the charter school has retained the services of a certified public accountant or auditor for the annual financial audit, pursuant to s. 1002.345(2), who shall submit the report to the governing body.

3. Reviewing and approving the audit report, including audit findings and recommendations for the financial recovery plan.

4.a. Performing the duties in s. 1002.345, including monitoring a corrective action plan.

b. Monitoring a financial recovery plan in order to ensure compliance.

5. Participating in governance training approved by the department which must include government in the sunshine, conflicts of interest, ethics, and financial responsibility.

(k) The governing body of the charter school shall report its progress annually to its sponsor, which shall forward the report to the Commissioner of Education at the same time as other annual school accountability reports. The Department of Education shall develop a uniform, online annual accountability report to be completed by charter schools. This report shall be easy to utilize and contain demographic information, student performance data, and financial accountability information. A charter school shall not be required to provide information and data that is duplicative and already in the possession of the department. The Department of Education shall include in its compilation a notation if a school failed to file its report by the deadline established by the department. The report shall include at least the following components:

1. Student achievement performance data, including the information required for the annual school report and the education accountability system governed by ss. 1008.31 and 1008.345. Charter schools are subject to the same accountability requirements as other public schools, including reports of student achievement information that links baseline student data to the school's performance projections identified in the charter. The charter school shall identify reasons for any difference between projected and actual student performance.

2. Financial status of the charter school which must include revenues and expenditures at a level of detail that allows for analysis of the charter school's ability to meet financial obligations and timely repayment of debt.

3. Documentation of the facilities in current use and any planned facilities for use by the charter school for instruction of students, administrative functions, or investment purposes.

4. Descriptive information about the charter school's personnel, including salary and benefit levels of charter school employees, the proportion of instructional personnel who hold professional or temporary certificates, and the proportion of instructional personnel teaching in-field or out-of-field.

(l) A charter school shall not levy taxes or issue bonds secured by tax revenues.

(m) A charter school shall provide instruction for at least the number of days required by law for other public schools and may provide instruction for additional days.

(n)1. The director and a representative of the governing board of a charter school that has earned a grade of "D" or "F" pursuant to s. 1008.34 shall appear before the sponsor to

present information concerning each contract component having noted deficiencies. The director and a representative of the governing board shall submit to the sponsor for approval a school improvement plan to raise student performance. Upon approval by the sponsor, the charter school shall begin implementation of the school improvement plan. The department shall offer technical assistance and training to the charter school and its governing board and establish guidelines for developing, submitting, and approving such plans.

2.a. If a charter school earns three consecutive grades below a “C,” the charter school governing board shall choose one of the following corrective actions:

- (I) Contract for educational services to be provided directly to students, instructional personnel, and school administrators, as prescribed in state board rule;
- (II) Contract with an outside entity that has a demonstrated record of effectiveness to operate the school;
- (III) Reorganize the school under a new director or principal who is authorized to hire new staff; or
- (IV) Voluntarily close the charter school.

b. The charter school must implement the corrective action in the school year following receipt of a third consecutive grade below a “C.”

c. The sponsor may annually waive a corrective action if it determines that the charter school is likely to improve a letter grade if additional time is provided to implement the intervention and support strategies prescribed by the school improvement plan.

Notwithstanding this sub-subparagraph, a charter school that earns a second consecutive grade of “F” is subject to subparagraph 3.

d. A charter school is no longer required to implement a corrective action if it improves to a “C” or higher. However, the charter school must continue to implement strategies identified in the school improvement plan. The sponsor must annually review implementation of the school improvement plan to monitor the school’s continued improvement pursuant to subparagraph 4.

e. A charter school implementing a corrective action that does not improve to a “C” or higher after 2 full school years of implementing the corrective action must select a different corrective action. Implementation of the new corrective action must begin in the school year following the implementation period of the existing corrective action, unless the sponsor determines that the charter school is likely to improve to a “C” or higher if additional time is provided to implement the existing corrective action. Notwithstanding

this sub-subparagraph, a charter school that earns a second consecutive grade of “F” while implementing a corrective action is subject to subparagraph 3.

3. A charter school’s charter contract is automatically terminated if the school earns two consecutive grades of “F” after all school grade appeals are final unless:

a. The charter school is established to turn around the performance of a district public school pursuant to s. 1008.33(4)(b)2. Such charter schools shall be governed by s. 1008.33;

b. The charter school serves a student population the majority of which resides in a school zone served by a district public school subject to s. 1008.33(4) and the charter school earns at least a grade of “D” in its third year of operation. The exception provided under this sub-subparagraph does not apply to a charter school in its fourth year of operation and thereafter; or

c. The state board grants the charter school a waiver of termination. The charter school must request the waiver within 15 days after the department’s official release of school grades. The state board may waive termination if the charter school demonstrates that the Learning Gains of its students on statewide assessments are comparable to or better than the Learning Gains of similarly situated students enrolled in nearby public schools. The waiver is valid for 1 year and may only be granted once. Charter schools that have been in operation for more than 5 years are not eligible for a waiver under this sub-subparagraph.

The sponsor shall notify the charter school’s governing board, the charter school principal, and the department in writing when a charter contract is terminated under this subparagraph. A charter terminated under this subparagraph must follow the procedures for dissolution and reversion of public funds pursuant to paragraphs (8)(d)-(f) and (9)(o).

4. The director and a representative of the governing board of a graded charter school that has implemented a school improvement plan under this paragraph shall appear before the sponsor at least once a year to present information regarding the progress of intervention and support strategies implemented by the school pursuant to the school improvement plan and corrective actions, if applicable. The sponsor shall communicate at the meeting, and in writing to the director, the services provided to the school to help the school address its deficiencies.

5. Notwithstanding any provision of this paragraph except sub-subparagraphs 3.a.-c., the sponsor may terminate the charter at any time pursuant to subsection (8).

(o)1. Upon initial notification of nonrenewal, closure, or termination of its charter, a charter school may not expend more than \$10,000 per expenditure without prior written approval from the sponsor unless such expenditure was included within the annual budget submitted to the sponsor pursuant to the charter contract, is for reasonable attorney fees and costs during the pendency of any appeal, or is for reasonable fees and costs to conduct an independent audit.

2. An independent audit shall be completed within 30 days after notice of nonrenewal, closure, or termination to account for all public funds and assets.

3. A provision in a charter contract that contains an acceleration clause requiring the expenditure of funds based upon closure or upon notification of nonrenewal or termination is void and unenforceable.

4. A charter school may not enter into a contract with an employee that exceeds the term of the school's charter contract with its sponsor.

5. A violation of this paragraph triggers a reversion or clawback power by the sponsor allowing for collection of an amount equal to or less than the accelerated amount that exceeds normal expenditures. The reversion or clawback plus legal fees and costs shall be levied against the person or entity receiving the accelerated amount.

(p)1. Each charter school shall maintain a website that enables the public to obtain information regarding the school; the school's academic performance; the names of the governing board members; the programs at the school; any management companies, service providers, or education management corporations associated with the school; the school's annual budget and its annual independent fiscal audit; the school's grade pursuant to s. 1008.34; and, on a quarterly basis, the minutes of governing board meetings.

2. Each charter school's governing board must appoint a representative to facilitate parental involvement, provide access to information, assist parents and others with questions and concerns, and resolve disputes. The representative must reside in the school district in which the charter school is located and may be a governing board member, a charter school employee, or an individual contracted to represent the governing board. If the governing board oversees multiple charter schools in the same school district, the governing board must appoint a separate representative for each charter school in the district. The representative's contact information must be provided annually in writing to parents and posted prominently on the charter school's website. The sponsor may not require governing board members to reside in the school district in which the charter school is located if the charter school complies with this subparagraph.

3. Each charter school's governing board must hold at least two public meetings per school year in the school district where the charter school is located. The meetings must be noticed, open, and accessible to the public, and attendees must be provided an opportunity to receive information and provide input regarding the charter school's operations. The appointed representative and charter school principal or director, or his or her designee, must be physically present at each meeting. Members of the governing board or any member of a committee formed or designated by the governing board may attend in person or by means of communications media technology used in accordance with rules adopted by the Administration Commission under s. 120.54(5).

(q)1. The charter school principal or the principal's designee shall make a reasonable attempt to notify the parent of a student before the student is removed from school, school transportation, or a school-sponsored activity to be taken to a receiving facility for an involuntary examination pursuant to s. 394.463. For purposes of this subparagraph, "a reasonable attempt to notify" means the exercise of reasonable diligence and care by the principal or the principal's designee to make contact with the student's parent, guardian, or other known emergency contact whom the student's parent or guardian has authorized to receive notification of an involuntary examination. At a minimum, the principal or the principal's designee must take the following actions:

a. Use available methods of communication to contact the student's parent, guardian, or other known emergency contact, including, but not limited to, telephone calls, text messages, e-mails, and voice mail messages following the decision to initiate an involuntary examination of the student.

b. Document the method and number of attempts made to contact the student's parent, guardian, or other known emergency contact, and the outcome of each attempt.

A principal or his or her designee who successfully notifies any other known emergency contact may share only the information necessary to alert such contact that the parent or caregiver must be contacted. All such information must be in compliance with federal and state law.

2. The principal or the principal's designee may delay notification for no more than 24 hours after the student is removed if:

a. The principal or the principal's designee deems the delay to be in the student's best interest and a report has been submitted to the central abuse hotline, pursuant to s. 39.201, based upon knowledge or suspicion of abuse, abandonment, or neglect; or

b. The principal or the principal's designee reasonably believes that such delay is necessary to avoid jeopardizing the health and safety of the student.

3. Before a principal or his or her designee contacts a law enforcement officer, he or she must verify that de-escalation strategies have been utilized and outreach to a mobile response team has been initiated unless the principal or the principal's designee reasonably believes that any delay in removing the student will increase the likelihood of harm to the student or others. This requirement does not supersede the authority of a law enforcement officer to act under s. 394.463.

Each charter school governing board shall develop a policy and procedures for notification under this paragraph.

(r)1. Parents of charter school students have a right to timely notification of threats, unlawful acts, and significant emergencies pursuant to s. 1006.07(4) and (7).

2. Parents of charter school students have a right to access school safety and discipline incidents as reported pursuant to s. 1006.07(9).

(s) A charter school governing board may adopt its own code of student conduct. The code of student conduct must meet or exceed the minimum standards set forth in the sponsor's code of student conduct. Any provision of the code of student conduct which is more stringent than the sponsor's code of student conduct must align with the mission of the charter school and be acknowledged electronically or in writing by the parent. The sponsor may review the code and offer recommendations. Any complaint or appeal related to the code of student conduct must be resolved by the charter school's governing board using the board's established procedures and must be in compliance with applicable law and rules.

(10) ELIGIBLE STUDENTS.—

(a)1. A charter school may be exempt from the requirements of s. 1002.31 if the school is open to any student covered in an interdistrict agreement and any student residing in the school district in which the charter school is located.

2. A virtual charter school when enrolling students shall comply with the applicable requirements of s. 1002.31 and with the enrollment requirements established under s. 1002.45(1)(d)4.

3. A charter lab school shall be open to any student eligible to attend the lab school as provided in s. 1002.32 or who resides in the school district in which the charter lab school is located.

4. Any eligible student shall be allowed interdistrict transfer to attend a charter school when based on good cause. Good cause shall include, but is not limited to, geographic proximity to a charter school in a neighboring school district.

(b) The charter school shall enroll an eligible student who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building. In such case, all applicants shall have an equal chance of being admitted through a random selection process.

(c) When a public school converts to charter status, enrollment preference shall be given to students who would have otherwise attended that public school. The district school board shall consult and negotiate with the conversion charter school every 3 years to determine whether realignment of the conversion charter school's attendance zone is appropriate in order to ensure that students residing closest to the charter school are provided with an enrollment preference.

(d) A charter school may give enrollment preference to the following student populations:

1. Students who are siblings of a student enrolled in the charter school.

2. Students who are the children of a member of the governing board of the charter school.

3. Students who are the children of an employee of the charter school.

4. Students who are the children of:

a. An employee of the business partner of a charter school-in-the-workplace established under paragraph (15)(b) or a resident of the municipality in which such charter school is located; or

b. A resident or employee of a municipality that operates a charter school-in-a-municipality pursuant to paragraph (15)(c) or allows a charter school to use a school facility or portion of land provided by the municipality for the operation of the charter school.

5. Students who have successfully completed, during the previous year, a prekindergarten education program provided by the charter school, the charter school's governing board, or a prekindergarten provider that has a written agreement with the governing board.

6. Students who are the children of an active duty member of any branch of the United States Armed Forces.
7. Students who attended or are assigned to failing schools pursuant to s. 1002.38(2).
8. Students who are the children of a safe-school officer, as defined in s. 1006.12, at the school.
9. Students who transfer from a classical school in this state to a charter classical school in this state. For purposes of this subparagraph, the term “classical school” means a traditional public school or charter school that implements a classical education model that emphasizes the development of students in the principles of moral character and civic virtue through a well-rounded education in the liberal arts and sciences which is based on the classical trivium stages of grammar, logic, and rhetoric.
10. Students who attend a job engine charter school under paragraph (15)(c) who are the children of an employee of a job-producing entity identified by the municipality in the annual job engine charter report.

(e) A charter school may limit the enrollment process only to target the following student populations:

1. Students within specific age groups or grade levels.
2. Students considered at risk of dropping out of school or academic failure. Such students shall include exceptional education students.
3. Students enrolling in a charter school-in-the-workplace or charter school-in-a-municipality established pursuant to subsection (15).
4. Students residing within a reasonable distance of the charter school, as described in paragraph (20)(c). Such students shall be subject to a random lottery and to the racial/ethnic balance provisions described in subparagraph (7)(a)8. or any federal provisions that require a school to achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other nearby public schools.
5. Students who meet reasonable academic, artistic, or other eligibility standards established by the charter school and included in the charter school application and charter or, in the case of existing charter schools, standards that are consistent with the school’s mission and purpose. Such standards shall be in accordance with current state law and practice in public schools and may not discriminate against otherwise qualified individuals. A school that limits enrollment for such purposes must place a student on a

progress monitoring plan for at least one semester before dismissing such student from the school.

6. Students articulating from one charter school to another pursuant to an articulation agreement between the charter schools that has been approved by the sponsor.

7. Students living in a development, or students whose parent or legal guardian maintains a physical or permanent employment presence within the development, in which a developer, including any affiliated business entity or charitable foundation, contributes to the formation, acquisition, construction, or operation of one or more charter schools or charter school facilities and related property in an amount equal to or having a total appraised value of at least \$5 million to be used as charter schools to mitigate the educational impact created by the development of new residential dwelling units. Students living in the development are entitled to 50 percent of the student stations in the charter schools. The students who are eligible for enrollment are subject to a random lottery, the racial/ethnic balance provisions, or any federal provisions, as described in subparagraph 4. The remainder of the student stations must be filled in accordance with subparagraph 4.

8. Students whose parent or legal guardian is employed within a reasonable distance of the charter school, as described in paragraph (20)(c). The students who are eligible for enrollment are subject to a random lottery.

(f) Students with disabilities and students served in English for Speakers of Other Languages programs shall have an equal opportunity of being selected for enrollment in a charter school.

(g) A student may withdraw from a charter school at any time and enroll in another public school as determined by district school board rule.

(h) The capacity of the charter school shall be determined annually by the governing board, in conjunction with the sponsor, of the charter school in consideration of the factors identified in this subsection and subsection (18) unless the charter school is designated as a high-performing charter school pursuant to s. 1002.331. A sponsor may not require a charter school to waive the provisions of s. 1002.331 or require a student enrollment cap that prohibits a high-performing charter school from increasing enrollment in accordance with s. 1002.331(2) as a condition of approval or renewal of a charter.

(i) The capacity of a high-performing charter school identified pursuant to s. 1002.331 shall be determined annually by the governing board of the charter school. The governing board shall notify the sponsor of any increase in enrollment by March 1 of the school year preceding the increase. A sponsor may not require a charter school to identify the names of

students to be enrolled or to enroll those students before the start of the school year as a condition of approval or renewal of a charter.

(11) PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR ACTIVITIES.—A charter school student is eligible to participate in an interscholastic extracurricular activity at the public school to which the student would be otherwise assigned to attend, or may develop an agreement to participate at a private school, pursuant to s. 1006.15(3)(d).

(12) EMPLOYEES OF CHARTER SCHOOLS.—

(a) A charter school shall select its own employees. A charter school may contract with its sponsor for the services of personnel employed by the sponsor.

(b) Charter school employees shall have the option to bargain collectively. Employees may collectively bargain as a separate unit or as part of the existing district collective bargaining unit as determined by the structure of the charter school.

(c) The employees of a conversion charter school shall remain public employees for all purposes, unless such employees choose not to do so.

(d) The teachers at a charter school may choose to be part of a professional group that subcontracts with the charter school to operate the instructional program under the auspices of a partnership or cooperative that they collectively own. Under this arrangement, the teachers would not be public employees.

(e) Employees of a school district may take leave to accept employment in a charter school upon the approval of the district school board. While employed by the charter school and on leave that is approved by the district school board, the employee may retain seniority accrued in that school district and may continue to be covered by the benefit programs of that school district, if the charter school and the district school board agree to this arrangement and its financing. School districts shall not require resignations of teachers desiring to teach in a charter school. This paragraph shall not prohibit a district school board from approving alternative leave arrangements consistent with chapter 1012.

(f) Teachers employed by or under contract to a charter school shall be certified as required by chapter 1012. A charter school governing board may employ or contract with skilled selected noncertified personnel to provide instructional services or to assist instructional staff members as education paraprofessionals in the same manner as defined in chapter 1012, and as provided by State Board of Education rule for charter school governing boards. A charter school may not knowingly employ an individual to provide instructional services or to serve as an education paraprofessional if the individual's certification or licensure as an educator is suspended or revoked by this or any

other state. A charter school may not knowingly employ an individual who has resigned from a school district in lieu of disciplinary action with respect to child welfare or safety, or who has been dismissed for just cause by any school district with respect to child welfare or safety. The qualifications of teachers shall be disclosed to parents.

(g)1. A charter school shall employ or contract with employees who have undergone background screening as provided in s. 1012.32. Members of the governing board of the charter school shall also undergo background screening in a manner similar to that provided in s. 1012.32. An individual may not be employed as an employee or contract personnel of a charter school or serve as a member of a charter school governing board if the individual is on the disqualification list maintained by the department pursuant to s. 1001.10(4)(b).

2. A charter school shall prohibit educational support employees, instructional personnel, and school administrators, as defined in s. 1012.01, from employment in any position that requires direct contact with students if the employees, personnel, or administrators are ineligible for such employment under s. 1012.315 or have been terminated or have resigned in lieu of termination for sexual misconduct with a student. If the prohibited conduct occurs while employed, a charter school must report the individual and the disqualifying circumstances to the department for inclusion on the disqualification list maintained pursuant to s. 1001.10(4)(b).

3. The governing board of a charter school shall adopt policies establishing standards of ethical conduct for educational support employees, instructional personnel, and school administrators. The policies must require all educational support employees, instructional personnel, and school administrators, as defined in s. 1012.01, to complete training on the standards; establish the duty of educational support employees, instructional personnel, and school administrators to report, and procedures for reporting, alleged misconduct that affects the health, safety, or welfare of a student; and include an explanation of the liability protections provided under ss. 39.203 and 768.095. A charter school, or any of its employees, may not enter into a confidentiality agreement regarding terminated or dismissed educational support employees, instructional personnel, or school administrators, or employees, personnel, or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide employees, personnel, or administrators with employment references or discuss the employees', personnel's, or administrators' performance with prospective employers in another educational setting, without disclosing the employees', personnel's, or administrators' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by educational support

employees, instructional personnel, or school administrators which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

4. Before employing an individual in any position that requires direct contact with students, a charter school shall conduct employment history checks of each individual through use of the educator screening tools described in s. 1001.10(5), and document the findings. If unable to contact a previous employer, the charter school must document efforts to contact the employer.

5. The sponsor of a charter school that knowingly fails to comply with this paragraph shall terminate the charter under subsection (8).

(h) For the purposes of tort liability, the charter school, including its governing body and employees, shall be governed by s. 768.28. This paragraph does not include any for-profit entity contracted by the charter school or its governing body.

(i) A charter school shall organize as, or be operated by, a nonprofit organization. A charter school may be operated by a municipality or other public entity as provided for by law. As such, the charter school may be either a private or a public employer. As a public employer, a charter school may participate in the Florida Retirement System upon application and approval as a “covered group” under s. 121.021(34). If a charter school participates in the Florida Retirement System, the charter school employees shall be compulsory members of the Florida Retirement System. As either a private or a public employer, a charter school may contract for services with an individual or group of individuals who are organized as a partnership or a cooperative. Individuals or groups of individuals who contract their services to the charter school are not public employees.

(13) CHARTER SCHOOL COOPERATIVES.—Charter schools may enter into cooperative agreements to form charter school cooperative organizations that may provide services to further educational, operational, and administrative initiatives in which the participating charter schools share common interests.

(14) CHARTER SCHOOL FINANCIAL ARRANGEMENTS; INDEMNIFICATION OF THE STATE AND SPONSOR; CREDIT OR TAXING POWER NOT TO BE PLEDGED.—Any arrangement entered into to borrow or otherwise secure funds for a charter school authorized in this section from a source other than the state or a sponsor shall indemnify the state and the sponsor from any and all liability, including, but not limited to, financial responsibility for the payment of the principal or interest. Any loans, bonds, or other financial agreements are not obligations of the state or the sponsor but are obligations of the charter school authority and are payable solely from the sources of funds pledged by such agreement. The credit or taxing power of the state or the sponsor shall not be pledged and no debts shall be

payable out of any moneys except those of the legal entity in possession of a valid charter approved by a sponsor pursuant to this section.

(15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-A-MUNICIPALITY.—

(a) In order to increase business partnerships in education, to reduce school and classroom overcrowding throughout the state, and to offset the high costs for educational facilities construction, the Legislature intends to encourage the formation of business partnership schools or satellite learning centers and municipal-operated schools through charter school status.

(b) A charter school-in-the-workplace may be established when a business partner provides the school facility to be used; enrolls students based upon a random lottery that involves all of the children of employees of that business or corporation who are seeking enrollment, as provided for in subsection (10); and enrolls students according to the racial/ethnic balance provisions described in subparagraph (7)(a)8. Any portion of a facility used for a public charter school shall be exempt from ad valorem taxes, as provided for in s. 1013.54, for the duration of its use as a public school.

(c)1. A charter school-in-a-municipality designation may be granted to a municipality that possesses a charter; enrolls students based upon a random lottery that involves all of the children of the residents of that municipality who are seeking enrollment, as provided for in subsection (10); and enrolls students according to the racial and ethnic balance provisions described in subparagraph (7)(a)8. When a municipality has submitted charter applications for the establishment of a charter school feeder pattern, consisting of elementary, middle, and senior high schools, and each individual charter application is approved by the sponsor, such schools shall then be designated as one charter school for all purposes listed pursuant to this section. Any portion of the land and facility used for a public charter school shall be exempt from ad valorem taxes, as provided for in s. 1013.54, for the duration of its use as a public school.

2. A municipality may seek a charter under subparagraph 1. from a sponsor in subsection (5). If granted, such a charter may be designated a job engine charter. The purpose of a job engine charter school is to attract job-producing entities to the municipality. The charter must require the municipality to:

a. Provide an annual report to the sponsor which will be made publicly available and include investments made to attract and maintain job-producing entities, such as private sector industries, in the municipality.

b. Include career education opportunities.

- c. Include the provision of exceptional student education administration services, pursuant to subparagraph (20)(a)1.
 - d. Require the use of sufficient security technology to ensure a secure facility.
 - e. Notwithstanding paragraph (8)(e), accept responsibility for all debts incurred by the job engine charter school.
3. A job engine charter school may give enrollment preferences pursuant to subparagraph (10)(d)10.

(d) As used in this subsection, the terms “business partner” or “municipality” may include more than one business or municipality to form a charter school-in-the-workplace or charter school-in-a-municipality.

(16) EXEMPTION FROM STATUTES.—

(a) A charter school shall operate in accordance with its charter and shall be exempt from all statutes in chapters 1000-1013. However, a charter school shall be in compliance with the following statutes in chapters 1000-1013:

1. Those statutes specifically applying to charter schools, including this section.
2. Those statutes pertaining to the student assessment program and school grading system.
3. Those statutes pertaining to the provision of services to students with disabilities.
4. Those statutes pertaining to civil rights, including s. 1000.05, relating to discrimination.
5. Those statutes pertaining to student health, safety, and welfare.

(b) Additionally, a charter school shall be in compliance with the following statutes:

1. Section 286.011, relating to public meetings and records, public inspection, and criminal and civil penalties.
2. Chapter 119, relating to public records.
3. Section 1003.03, relating to the maximum class size, except that the calculation for compliance pursuant to s. 1003.03 shall be the average at the school level.
4. Section 1012.22(1)(c), relating to compensation and salary schedules.
5. Section 1012.33(5), relating to workforce reductions.

6. Section 1012.335, relating to contracts with instructional personnel hired on or after July 1, 2011.
7. Section 1012.34, relating to the substantive requirements for performance evaluations for instructional personnel and school administrators.
8. Section 1006.12, relating to safe-school officers.
9. Section 1006.07(7), relating to threat management teams.
10. Section 1006.07(9), relating to School Environmental Safety Incident Reporting.
11. Section 1006.07(10), relating to reporting of involuntary examinations.
12. Section 1006.1493, relating to the Florida Safe Schools Assessment Tool.
13. Section 1006.07(6)(d), relating to adopting an active assailant response plan.
14. Section 943.082(4)(b), relating to the mobile suspicious activity reporting tool.
15. Section 1012.584, relating to youth mental health awareness and assistance training.
16. Section 1001.42(4)(f)2., relating to middle school and high school start times, unless the governing board has submitted a report to the department pursuant to s. 1001.42(4)(f)3. A charter school-in-the-workplace is exempt from this requirement.
17. Section 1001.42(8)(c), relating to student welfare.
18. Section 1006.481, relating to training on human trafficking awareness.
19. Section 1002.20(4)(c), relating to school corporal punishment.

(c) For purposes of subparagraphs (b)4.-7.:

1. The duties assigned to a district school superintendent apply to charter school administrative personnel, as defined in s. 1012.01(3)(a) and (b), and the charter school governing board shall designate at least one administrative person to be responsible for such duties.
2. The duties assigned to a district school board apply to a charter school governing board.
3. A charter school may hire instructional personnel and other employees on an at-will basis.

4. Notwithstanding any provision to the contrary, instructional personnel and other employees on contract may be suspended or dismissed any time during the term of the contract without cause.

(17) FUNDING.—Students enrolled in a charter school, regardless of the sponsorship, shall be funded based upon the applicable program pursuant to s. 1011.62(1)(c), the same as students enrolled in other public schools in a school district. Funding for a charter lab school shall be as provided in s. 1002.32.

(a) Each charter school shall report its full-time equivalent student membership to the sponsor as required in s. 1011.62(1)(a) and in accordance with the definitions in s. 1011.61. The sponsor shall include each charter school's full-time equivalent student membership in the sponsor's full-time equivalent student membership report to the Department of Education. All charter schools submitting full-time equivalent student membership information required by the department shall comply with the department's guidelines for electronic data formats for such data, and all sponsors shall accept electronic data that complies with the department's electronic format.

(b)1. Funding for students enrolled in a charter school sponsored by a school district shall be the sum of the school district's operating funds from the Florida Education Finance Program as defined in s. 1011.61(4) and the General Appropriations Act, including gross state and local funds, and funds from the school district's current operating discretionary millage levy; divided by total funded weighted full-time equivalent students in the school district; and multiplied by the weighted full-time equivalent students for the charter school. Charter schools whose students or programs meet the eligibility criteria in law are entitled to their proportionate share of categorical program funds included in the total funds available in the Florida Education Finance Program by the Legislature, including the student transportation allocation and the educational enrichment allocation. Total funding for each charter school shall be recalculated during the year to reflect the revised calculations under the Florida Education Finance Program by the state and the actual weighted full-time equivalent students reported by the charter school during the full-time equivalent student survey periods designated by the Commissioner of Education. For charter schools operated by a not-for-profit or municipal entity, any unrestricted current and capital assets identified in the charter school's annual financial audit may be used for other charter schools operated by the not-for-profit or municipal entity within the school district. For charter schools operated by a not-for-profit entity, any unrestricted current or capital assets identified in the charter school's annual audit may be used for other charter schools operated by the not-for-profit entity which are located outside of the originating charter school's school district, but within the state, through an unforgivable loan that

must be repaid within 5 years to the originating charter school by the receiving charter school. Unrestricted current assets shall be used in accordance with s. 1011.62, and any unrestricted capital assets shall be used in accordance with s. 1013.62(2).

2.a. Funding for students enrolled in a charter school sponsored by a state university or Florida College System institution pursuant to paragraph (5)(a) shall be provided in the Florida Education Finance Program as defined in s. 1011.61(4) and as specified in the General Appropriations Act. The calculation to determine the amount of state funds includes the sum of the base Florida Education Finance Program established in s. 1011.62(1)(n), the discretionary millage compression supplement established in s. 1011.62(5), and the state-funded discretionary contribution established in s. 1011.62(6). Charter schools whose students or programs meet the eligibility criteria in law are entitled to their proportionate share of categorical program funds included in the total funds available in the Florida Education Finance Program. The Florida College System institution or state university sponsoring the charter school shall be the fiscal agent for these funds, and all rules of the institution governing the budgeting and expenditure of state funds shall apply to these funds unless otherwise provided by law or rule of the State Board of Education.

(I) The nonvoted required local millage established pursuant to s. 1011.71(1) that would otherwise be required for the charter schools shall be allocated from state funds.

(II) An equivalent amount of funds for the operating discretionary millage authorized pursuant to s. 1011.71(1) shall be allocated to each charter school through a state-funded discretionary contribution established pursuant to s. 1011.62(6).

(III) The comparable wage factor as provided in s. 1011.62(2) shall be established as 1.000.

b. Total funding for each charter school shall be recalculated during the year to reflect the revised calculations under the Florida Education Finance Program by the state and the actual weighted full-time equivalent students reported by the charter school during the full-time equivalent student survey periods designated by the Commissioner of Education.

c. The Department of Education shall develop a tool that each state university or Florida College System institution sponsoring a charter school shall use for purposes of calculating the funding amount for each eligible charter school student. The total amount obtained from the calculation must be appropriated from state funds in the General Appropriations Act to the charter school.

d. Capital outlay funding for a charter school sponsored by a state university or Florida College System institution pursuant to paragraph (5)(a) is determined as follows: multiply

the maximum allowable nonvoted discretionary millage under s. 1011.71(2) by 96 percent of the current year's taxable value for school purposes for the district in which the charter school is located; divide the result by the total full-time equivalent student membership; and multiply the result by the full-time equivalent student membership of the charter school. The amount obtained shall be the discretionary capital improvement funds and shall be appropriated from state funds in the General Appropriations Act.

(c) Pursuant to 20 U.S.C. 8061 s. 10306, all charter schools shall receive all federal funding for which the school is otherwise eligible, including Title I funding, not later than 5 months after the charter school first opens and within 5 months after any subsequent expansion of enrollment. Unless otherwise mutually agreed to by the charter school and its sponsor, and consistent with state and federal rules and regulations governing the use and disbursement of federal funds, the sponsor shall reimburse the charter school on a monthly basis for all invoices submitted by the charter school for federal funds available to the sponsor for the benefit of the charter school, the charter school's students, and the charter school's students as public school students in the school district. Such federal funds include, but are not limited to, Title I, Title II, and Individuals with Disabilities Education Act (IDEA) funds. To receive timely reimbursement for an invoice, the charter school must submit the invoice to the sponsor at least 30 days before the monthly date of reimbursement set by the sponsor. In order to be reimbursed, any expenditures made by the charter school must comply with all applicable state rules and federal regulations, including, but not limited to, the applicable federal Office of Management and Budget Circulars; the federal Education Department General Administrative Regulations; and program-specific statutes, rules, and regulations. Such funds may not be made available to the charter school until a plan is submitted to the sponsor for approval of the use of the funds in accordance with applicable federal requirements. The sponsor has 30 days to review and approve any plan submitted pursuant to this paragraph.

(d) Charter schools shall be included by the Department of Education and the district school board in requests for federal stimulus funds in the same manner as district school board-operated public schools, including Title I and IDEA funds and shall be entitled to receive such funds. Charter schools are eligible to participate in federal competitive grants that are available as part of the federal stimulus funds.

(e) Sponsors shall make timely and efficient payment and reimbursement to charter schools, including processing paperwork required to access special state and federal funding for which they may be eligible, including the timely review and reimbursement of federal grant funds. Payments of funds under paragraph (b) shall be made monthly or twice a month, beginning with the start of the sponsor's fiscal year. Each payment shall be one-

twelfth, or one twenty-fourth, as applicable, of the total state and local funds described in paragraph (b) and adjusted as set forth therein. For the first 2 years of a charter school's operation, if a minimum of 75 percent of the projected enrollment is entered into the sponsor's student information system by the first day of the current month, the sponsor shall distribute funds to the school for the months of July through October based on the projected full-time equivalent student membership of the charter school as submitted in the approved application. If less than 75 percent of the projected enrollment is entered into the sponsor's student information system by the first day of the current month, the sponsor shall base payments on the actual number of student enrollment entered into the sponsor's student information system. Thereafter, the results of full-time equivalent student membership surveys shall be used in adjusting the amount of funds distributed monthly to the charter school for the remainder of the fiscal year. The payments shall be issued no later than 10 working days after the sponsor receives a distribution of state or federal funds or the date the payment is due pursuant to this subsection. With respect to federal grant funds submitted for reimbursement, the sponsor shall have 60 calendar days from the date of the submission to reimburse the charter school if the submission provides all the necessary information to qualify for reimbursement. If a warrant for payment is not issued within 10 working days after receipt of funding by the sponsor or within 60 calendar days after an approved submittal for reimbursement of federal grant funds, the sponsor shall pay to the charter school, in addition to the amount of the scheduled disbursement, interest at a rate of 1 percent per month calculated on a daily basis on the unpaid balance from the expiration of the 10 working days or 60 calendar days for the reimbursement of federal grant funds, until such time as the warrant is issued. The district school board may not delay payment to a charter school of any portion of the funds provided in paragraph (b) based on the timing of receipt of local funds by the district school board.

(f) Funding for a virtual charter school shall be as provided in s. 1002.45(6).

(g) To be eligible for public education capital outlay (PECO) funds, a charter school must be located in the State of Florida.

(h) A charter school that implements a schoolwide standard student attire policy pursuant to s. 1011.78 is eligible to receive incentive payments.

(i)1. By July 1 of each year, school districts shall provide charter schools the following information pertaining to shared revenues generated by a discretionary half-cent sales surtax, voted district school operating millage, and nonvoted district school capital improvement millage:

a. The estimated total revenue to be received from each tax.

- b. The estimated per-student allocation to charter schools from each tax and the methodology used to determine the estimate.
 - c. The estimated timeframe within which the charter school will receive funds from each tax.
 - d. A detailed explanation for each revenue transmission at the time funds are transferred.
2. By March 31 of each year, each school district shall provide to the department a summary report, by charter school, of distributed revenues, by revenue source, and shall post the report on its website.

(18) FACILITIES.—

- (a)1. A startup charter school shall utilize facilities which comply with the Florida Building Code pursuant to chapter 553 except for the State Requirements for Educational Facilities. Conversion charter schools shall utilize facilities that comply with the State Requirements for Educational Facilities provided that the school district and the charter school have entered into a mutual management plan for the reasonable maintenance of such facilities. The mutual management plan shall contain a provision by which the district school board agrees to maintain charter school facilities in the same manner as its other public schools within the district. Charter schools, with the exception of conversion charter schools, are not required to comply, but may choose to comply, with the State Requirements for Educational Facilities of the Florida Building Code adopted pursuant to s. 1013.37.
2. The local governing authority may not adopt, impose, or enforce any local building requirements, site-development restrictions, or operational requirements that impact parking and site-size criteria, student enrollment and capacity, hours of operation, and occupant load:
- a. That are addressed by and more stringent than those found in the State Requirements for Educational Facilities of the Florida Building Code; or
 - b. That are not uniformly imposed or enforced by the local governing authority upon public schools within the jurisdiction of the local governing authority.
3. A local governing authority must treat charter schools equitably in comparison to similar requirements, restrictions, and site planning processes imposed upon public schools that are not charter schools, including such provisions that are established by interlocal agreement, development order, or development permit. An interlocal agreement entered into by a school district for the development of only its own schools, including provisions relating to the extension of infrastructure, may be used by charter schools. A charter school may not be subject to any land use regulation requiring a change to a local

government comprehensive plan or requiring a development order or development permit, as those terms are defined in s. 163.3164, or any requirement or restriction that would not be required for a public or private school in the same location or a location on which a public or private school has previously been permitted. A local governing authority may not apply or enforce a condition against a charter school unless the condition is uniformly applied to other public schools within the jurisdiction of the local governing authority and the charter school is located on property that is the subject of a previously approved development order or development permit, and if such development order or development permit contains conditions applicable to the construction or operation of a public or private school, including, but not limited to:

- a. Limits on the number of students;
- b. Limits on the number of teachers;
- c. Limits on the number of classrooms;
- d. Limits on the hours of operation;
- e. Minimum outdoor recreation area; or
- f. Requirements to conform to a prior plan of development.

4. The agency having jurisdiction for inspection of a facility and issuance of a certificate of occupancy or use shall be the local municipality or, if in an unincorporated area, the county governing authority. A charter school that meets the requirements of state law consistent with the requirements of this subsection shall be administratively approved by the local governing authority. If a local governing authority refuses to comply with this subsection, the aggrieved school or entity has an immediate right to bring an action in circuit court to enforce its rights. An aggrieved party that prevails in such an action may be awarded attorney fees and court costs.

(b) A charter school shall use facilities that comply with the Florida Fire Prevention Code, pursuant to s. 633.208, as adopted by the authority in whose jurisdiction the facility is located as provided in paragraph (a).

(c) Any facility, or portion thereof, used to house a charter school whose charter has been approved by the sponsor and the governing board, pursuant to subsection (7), is exempt from ad valorem taxes pursuant to s. 196.1983. Notwithstanding any other law, local ordinance, or regulation to the contrary, a local governing authority may not require a charter school to obtain a special exemption or conditional use approval for the charter school to be an allowable use under the local governing authority's land development code. Any library, community service, museum, performing arts, theater, cinema, or church

facility; any facility or land owned by a Florida College System institution or university; any similar public institutional facilities; and any facility recently used to house a school or child care facility licensed under s. 402.305 may provide space to charter schools within their facilities under their preexisting zoning and land use designations without obtaining a special exception, rezoning, or a land use change.

(d) Charter school facilities are exempt from assessments of fees for building permits, except as provided in s. 553.80; fees for building and occupational licenses; impact fees or exactions; service availability fees; and assessments for special benefits.

(e) If a district school board facility or property is available because it is surplus, marked for disposal, or otherwise unused, it shall be provided for a charter school's use on the same basis as it is made available to other public schools in the district. A charter school receiving property from the sponsor may not sell or dispose of such property without written permission of the sponsor. Similarly, for an existing public school converting to charter status, a district school board may not charge rental or leasing fees for the existing facility or for the property normally inventoried to the conversion school to the parents, principal, school advisory council, or teachers organizing the charter school. The municipality must negotiate rental or leasing fees with the district school board. Property normally inventoried to the school may not be removed. The charter school shall agree to reasonable maintenance provisions in order to maintain the facility in a manner similar to district school board standards. The Public Education Capital Outlay maintenance funds or any other maintenance funds generated by the facility operated as a conversion school shall remain with the conversion school.

(f) To the extent that charter school facilities are specifically created to mitigate the educational impact created by the development of new residential dwelling units, pursuant to subparagraph (2)(c)4., a proportionate share of costs per student station of educational impact fees required to be paid in connection with the new residential dwelling units must be designated for the construction of the charter school facilities that will mitigate the student station impact, including charter school facilities described in subparagraph (10)(e)7. Such facilities shall be built to the State Requirements for Educational Facilities and shall be owned by a public or nonprofit entity. The local school district retains the right to monitor and inspect such facilities to ensure compliance with the State Requirements for Educational Facilities. If a facility ceases to be used for public educational purposes, either the facility shall revert to the school district subject to any debt owed on the facility, or the owner of the facility shall have the option to refund all educational impact fees utilized for the facility to the school district. The district and the owner of the facility may contractually agree to another arrangement for the facilities if the facilities cease to be

used for educational purposes. The owner of property planned or approved for new residential dwelling units and the entity levying educational impact fees shall enter into an agreement that designates the educational impact fees that will be allocated for the charter school student stations and that ensures the timely construction of the charter school student stations concurrent with the expected occupancy of the residential units. The application for use of educational impact fees shall include an approved charter school application. To assist the school district in forecasting student station needs, the entity levying the impact fees shall notify the affected district of any agreements it has approved for the purpose of mitigating student station impact from the new residential dwelling units. Any entity contributing toward the construction of such facilities shall receive a credit toward any impact fees or exactions imposed for public educational facilities to the extent that the entity has not received a credit for such contribution pursuant to s. 163.3180(6)(h)2.

(g) Each school district shall annually provide to the Department of Education as part of its 5-year work plan the number of existing vacant classrooms in each school that the district does not intend to use or does not project will be needed for educational purposes for the following school year. The department may recommend that a district make such space available to an appropriate charter school.

(h) A charter school that is not implementing a school improvement plan pursuant to paragraph (9)(n) or a corrective action plan pursuant to s. 1002.345 may increase its student enrollment to more than the capacity identified in the charter, but student enrollment may not exceed the capacity of the facility at the time the enrollment increase will take effect. Facility capacity for purposes of expansion must include any improvements to an existing facility or any new facility in which the students of the charter school will enroll. A charter school must notify its sponsor in writing by March 1 if it intends to increase enrollment for the following school year. The written notice must specify the amount of the enrollment increase.

(19) CAPITAL OUTLAY FUNDING.—Charter schools sponsored by a school district are eligible for capital outlay funds pursuant to ss. 1011.71(2) and 1013.62. Capital outlay funds authorized in ss. 1011.71(2) and 1013.62 which have been shared with a charter school-in-the-workplace prior to July 1, 2010, are deemed to have met the authorized expenditure requirements for such funds.

(20) SERVICES.—

(a)1. A sponsor shall provide certain administrative and educational services to charter schools. These services shall include contract management services; full-time equivalent

and data reporting services; exceptional student education administration services; services related to eligibility and reporting duties required to ensure that school lunch services under the National School Lunch Program, consistent with the needs of the charter school, are provided by the sponsor at the request of the charter school, that any funds due to the charter school under the National School Lunch Program be paid to the charter school as soon as the charter school begins serving food under the National School Lunch Program, and that the charter school is paid at the same time and in the same manner under the National School Lunch Program as other public schools serviced by the sponsor or the school district; test administration services, including payment of the costs of state-required or district-required student assessments; processing of teacher certificate data services; and information services, including equal access to the sponsor's student information systems that are used by public schools in the district in which the charter school is located or by schools in the sponsor's portfolio of charter schools if the sponsor is not a school district. Access to the sponsor's student information system must be provided to the charter school and its contractor, unless prohibited by general or federal law. Student performance data for each student in a charter school, including, but not limited to, statewide standardized test scores, coordinated screening and progress monitoring student results, previous public school student report cards, and student performance measures, shall be provided by the sponsor to a charter school in the same manner provided to other public schools in the district or by schools in the sponsor's portfolio of charter schools if the sponsor is not a school district. The department shall provide student performance data to a charter school and its contractor, unless prohibited by general or federal law.

2. A sponsor shall provide training to charter schools on systems the sponsor will require the charter school to use.

3. A sponsor may withhold an administrative fee for the provision of such services which shall be a percentage of the available funds defined in paragraph (17)(b) calculated based on weighted full-time equivalent students. If the charter school serves 75 percent or more exceptional education students as defined in s. 1003.01(9), the percentage shall be calculated based on unweighted full-time equivalent students. The administrative fee shall be calculated as follows:

a. Up to 5 percent for:

(l) Enrollment of up to and including 250 students in a charter school as defined in this section.

(II) Enrollment of up to and including 500 students within a charter school system which meets all of the following:

(A) Includes conversion charter schools and nonconversion charter schools.

(B) Has all of its schools located in the same county.

(C) Has a total enrollment exceeding the total enrollment of at least one school district in this state.

(D) Has the same governing board for all of its schools.

(E) Does not contract with a for-profit service provider for management of school operations.

(III) Enrollment of up to and including 250 students in a virtual charter school.

b. Up to 2 percent for enrollment of up to and including 250 students in a high-performing charter school as defined in s. 1002.331.

c. Up to 2 percent for enrollment of up to and including 250 students in an exceptional student education center that meets the requirements of the rules adopted by the State Board of Education pursuant to s. 1008.3415(3).

4. A sponsor may not charge charter schools any additional fees or surcharges for administrative and educational services in addition to the maximum percentage of administrative fees withheld pursuant to this paragraph. A sponsor may not charge or withhold any administrative fee against a charter school for any funds specifically allocated by the Legislature for teacher compensation.

5. A sponsor shall provide to the department by September 15 of each year the total amount of funding withheld from charter schools pursuant to this subsection for the prior fiscal year. The department must include the information in the report required under sub-sub-subparagraph (5)(b)1.I.(III).

6. A sponsor shall annually provide a report to its charter schools on what services are being rendered from the sponsor's portion of the administrative fee. The report must include the listed services and be submitted to the department by September 15 of each year.

(b) If goods and services are made available to the charter school through the contract with the sponsor, they shall be provided to the charter school at a rate no greater than the sponsor's actual cost unless mutually agreed upon by the charter school and the sponsor in a contract negotiated separately from the charter. When mediation has failed to resolve

disputes over contracted services or contractual matters not included in the charter, an appeal may be made to an administrative law judge appointed by the Division of Administrative Hearings. The administrative law judge has final order authority to rule on the dispute. The administrative law judge shall award the prevailing party reasonable attorney fees and costs incurred during the mediation process, administrative proceeding, and any appeals, to be paid by the party against whom the administrative law judge rules. To maximize the use of state funds, sponsors shall allow charter schools to participate in the sponsor's bulk purchasing program if applicable.

(c) Transportation of charter school students shall be provided by the charter school consistent with the requirements of subpart I.E. of chapter 1006 and s. 1012.45. The governing body of the charter school may provide transportation through an agreement or contract with the sponsor, a private provider, or parents. The charter school and the sponsor shall cooperate in making arrangements that ensure that transportation is not a barrier to equal access for all students residing within a reasonable distance of the charter school as determined in its charter.

(d) Each charter school shall annually complete and submit a survey, provided in a format specified by the Department of Education, to rate the timeliness and quality of services provided by the sponsor in accordance with this section. The department shall compile the results, by sponsor, and include the results in the report required under sub-sub-subparagraph (5)(b)1.I.(III).

(21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

(a) The Department of Education shall provide information to the public, directly and through sponsors, on how to form and operate a charter school and how to enroll in a charter school once it is created. This information shall include the standard application form, standard charter and virtual charter contracts, standard evaluation instrument, and standard charter and virtual charter renewal contracts, which shall include the information specified in subsection (7) and shall be developed by consulting and negotiating with both sponsors and charter schools before implementation. The charter and virtual charter contracts and charter renewal and virtual charter renewal contracts shall be used by charter school sponsors.

(b)1. The Department of Education shall report to each charter school receiving a school grade pursuant to s. 1008.34 or a school improvement rating pursuant to s. 1008.341 the school's student assessment data.

2. The charter school shall report the information in subparagraph 1. to each parent of a student at the charter school, the parent of a child on a waiting list for the charter school,

the sponsor, and the governing board of the charter school. This paragraph does not abrogate the provisions of s. 1002.22, relating to student records, or the requirements of 20 U.S.C. s. 1232g, the Family Educational Rights and Privacy Act.

(22) FACILITIES SHARED BY CHARTER SCHOOLS.—

(a) If a charter school moves out of a facility that is shared with another charter school having a separate Master School Identification Number, the charter school must provide for an audit of all equipment, educational materials and supplies, curriculum materials, and other items purchased or developed with federal charter school program grant funds, and such items must be transferred to the charter school's new location. The audit report must be submitted to the Department of Education within 60 days after completion.

(b) A charter school may not transfer an enrolled student to another charter school having a separate Master School Identification Number without first obtaining the written approval of the student's parent.

(23) ANALYSIS OF CHARTER SCHOOL PERFORMANCE.—Upon receipt of the annual report required by paragraph (9)(k), the Department of Education shall provide to the State Board of Education, the Commissioner of Education, the Governor, the President of the Senate, and the Speaker of the House of Representatives an analysis and comparison of the overall performance of charter school students, to include all students whose scores are counted as part of the statewide assessment program, versus comparable public school students in the district as determined by the statewide assessment program currently administered in the school district, and other assessments administered pursuant to s. 1008.22(3).

(24) RESTRICTION ON EMPLOYMENT OF RELATIVES.—

(a) This subsection applies to charter school personnel in a charter school operated by a private entity. As used in this subsection, the term:

1. "Charter school personnel" means a president, chairperson of the governing board of directors, superintendent, governing board member, principal, assistant principal, or any other person employed by the charter school who has equivalent decisionmaking authority and in whom is vested the authority, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in a charter school, including the authority as a member of a governing body of a charter school to vote on the appointment, employment, promotion, or advancement of individuals.

2. “Relative” means father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

(b) Charter school personnel may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the charter school in which the personnel are serving or over which the personnel exercises jurisdiction or control any individual who is a relative. An individual may not be appointed, employed, promoted, or advanced in or to a position in a charter school if such appointment, employment, promotion, or advancement has been advocated by charter school personnel who serve in or exercise jurisdiction or control over the charter school and who is a relative of the individual or if such appointment, employment, promotion, or advancement is made by the governing board of which a relative of the individual is a member.

(c) The approval of budgets does not constitute “jurisdiction or control” for the purposes of this subsection.

Charter school personnel in schools operated by a municipality or other public entity are subject to s. 112.3135.

(25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER SCHOOL SYSTEMS.—

(a) A charter school system’s governing board shall be designated a local educational agency for the purpose of receiving federal funds, the same as though the charter school system were a school district, if the governing board of the charter school system has adopted and filed a resolution with its sponsor and the Department of Education in which the governing board of the charter school system accepts the full responsibility for all local education agency requirements and the charter school system meets all of the following:

1. Has all schools located in the same county;
2. Has a total enrollment exceeding the total enrollment of at least one school district in this state; and
3. Has the same governing board.

(b) A charter school system’s governing board may be designated a local educational agency for the purpose of receiving federal funds for all schools within a school district that

are established pursuant to s. 1008.33 and are under the jurisdiction of the governing board. The governing board must adopt and file a resolution with its sponsoring district school board and the Department of Education and accept full responsibility for all local educational agency requirements.

Such designation does not apply to other provisions unless specifically provided in law.

(26) STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

(a) A member of a governing board of a charter school, including a charter school operated by a private entity, is subject to ss. 112.313(2), (3), (7), and (12) and 112.3143(3).

(b) A member of a governing board of a charter school operated by a municipality or other public entity is subject to s. 112.3145, which relates to the disclosure of financial interests.

(c) An employee of the charter school, or his or her spouse, or an employee of a charter management organization, or his or her spouse, may not be a member of the governing board of the charter school.

(d) A landlord of a charter school or his or her spouse or an officer, a director, or an employee of an entity that is a landlord of a charter school or his or her spouse may not be a member of a governing board of a charter school unless the charter school was established pursuant to paragraph (15)(c).

(27) MILITARY INSTALLATIONS.—

(a) The Legislature finds that military families face unique challenges due to the highly mobile nature of military service. Among the many challenges that military families face is providing a high-quality education for their children without disruption. The state has a compelling interest in assisting the development and enhancement of learning opportunities for military children and addressing their unique needs.

(b) It is the intent of the Legislature that a framework be established to address the needs of military children who, along with their families, face unique challenges due to the highly mobile nature of military service. In establishing this framework, military installation commanders are encouraged to collaboratively work with the Commissioner of Education to increase military family student achievement, which may include the establishment of charter schools on military installations. Although the State Board of Education, through the Commissioner of Education, shall supervise this collaboration, the applicable school district shall operate and maintain control over any school that is established on the military installation.

(28) RULEMAKING.—The Department of Education, after consultation with sponsors and charter school directors, shall recommend that the State Board of Education adopt rules to implement specific subsections of this section. Such rules shall require minimum paperwork and shall not limit charter school flexibility authorized by statute. The State Board of Education shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to implement a standard charter application form, standard application form for the replication of charter schools in a high-performing charter school system, standard evaluation instrument, standard monitoring tool, and standard charter and charter renewal contracts in accordance with this section.

History.—s. 98, ch. 2002-387; s. 23, ch. 2003-391; s. 1, ch. 2003-393; ss. 35, 78, ch. 2004-41; s. 3, ch. 2004-295; s. 1, ch. 2004-354; s. 1, ch. 2006-190; s. 2, ch. 2006-302; s. 5, ch. 2007-234; s. 14, ch. 2008-108; s. 4, ch. 2008-142; s. 1, ch. 2008-204; s. 7, ch. 2009-214; s. 24, ch. 2010-70; s. 6, ch. 2010-154; s. 6, ch. 2011-1; s. 27, ch. 2011-5; s. 13, ch. 2011-37; s. 8, ch. 2011-55; s. 2, ch. 2011-137; ss. 3, 5, ch. 2011-232; s. 93, ch. 2012-5; s. 6, ch. 2012-133; s. 2, ch. 2012-194; s. 5, ch. 2013-27; s. 42, ch. 2013-35; s. 156, ch. 2013-183; s. 2, ch. 2013-236; ss. 1, 2, ch. 2013-250; s. 35, ch. 2014-1; s. 3, ch. 2014-23; s. 24, ch. 2014-39; s. 7, ch. 2014-56; s. 4, ch. 2015-67; s. 4, ch. 2016-2; s. 7, ch. 2016-237; s. 21, ch. 2017-116; s. 9, ch. 2018-6; s. 114, ch. 2019-3; s. 18, ch. 2019-15; s. 8, ch. 2019-22; s. 4, ch. 2019-23; s. 13, ch. 2020-107; s. 3, ch. 2021-9; s. 4, ch. 2021-35; s. 4, ch. 2021-138; s. 5, ch. 2021-176; s. 72, ch. 2022-4; s. 2, ch. 2022-126; s. 3, ch. 2022-144; s. 1, ch. 2022-146; s. 11, ch. 2022-154; s. 142, ch. 2023-8; s. 5, ch. 2023-13; s. 36, ch. 2023-18; s. 3, ch. 2023-39; s. 2, ch. 2023-78; s. 2, ch. 2023-97; s. 4, ch. 2023-102; s. 4, ch. 2023-108; s. 2, ch. 2023-113; s. 11, ch. 2023-220; s. 8, ch. 2024-101; s. 32, ch. 2024-160; s. 4, ch. 2024-230; s. 97, ch. 2025-6; s. 2, ch. 2025-53; s. 2, ch. 2025-65; s. 3, ch. 2025-106; s. 6, ch. 2025-109; s. 15, ch. 2025-110; s. 4, ch. 2025-203.

**Board of Trustees
Full Board Meeting
February 12, 2026**

Loan from Foundation to UWF Board of Trustees

Recommended Action:

Approval of Loan from UWF Foundation to UWF Board of Trustees

Background Information:

To finance a capital project consisting of the construction of an on-campus stadium.

Implementation Plan:

The implementation plan contemplates a loan of up to \$20 million to provide flexibility in managing timing differences between construction draw schedules and the receipt of pledged philanthropic contributions. The loan will have a term of up to ten (10) years and will bear a fixed interest rate of 4.00% per annum. The repayment structure will require interest-only payments throughout the term, with the outstanding principal due at maturity but at all times eligible for prepayment.

Repayment of the loan is expected to occur in advance of maturity and will be primarily supported by philanthropic pledges and donations. As secondary and contingent sources of repayment, and subject to all applicable approvals and governance requirements, the operating budget of the UWF Foundation may be utilized, along with rental and usage fees generated from third-party use of the stadium facility, athletic revenues, and other legally permissible revenue sources.

Fiscal Implications:

The loan shall be secured by the assets and earnings of the UWF Foundation, Inc. The note shall be non-recourse to the University.

Relevant Authority:

Florida Statute 1004.28, Florida Statute 1010.62, Florida Board of Governors Debt Management Guidelines

Supports Strategic Direction(s):

5. Infrastructure, 6. Operational Excellence

Supporting Documents:

1. Florida Statute 1004.28, Direct-support organizations; use of property; Board of Directors; activities; audit; facilities
2. Florida Statute 1010.62, Revenue bonds and debt
3. Florida BOG Debt Management Guidelines
4. Revolving Line of Credit Agreement
5. Line of Credit Nonrecourse Promissory Note

Prepared by:

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Presenter:

Dan Lucas, Vice President, Finance & Administration/CFO

Select Year:

The 2025 Florida Statutes

[Title XLVIII](#)[Chapter 1004](#)[View Entire Chapter](#)

EARLY LEARNING-20 EDUCATION CODE PUBLIC POSTSECONDARY EDUCATION

1004.28 Direct-support organizations; use of property; board of directors; activities; audit; facilities.—

(1) DEFINITIONS.—For the purposes of this section:

(a) “University direct-support organization” means an organization which is:

1. A Florida corporation not for profit incorporated under the provisions of chapter 617 and approved by the Department of State.
2. Organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of a state university in Florida or for the benefit of a research and development park or research and development authority affiliated with a state university and organized under part V of chapter 159.
3. An organization that a state university board of trustees, after review, has certified to be operating in a manner consistent with the goals of the university and in the best interest of the state. Any organization that is denied certification by the board of trustees shall not use the name of the university that it serves.

(b) “Personal services” includes full-time or part-time personnel as well as payroll processing.

(c) “Property” does not include student fee revenues collected pursuant to s. [1009.24](#).

(2) USE OF PROPERTY.—

(a) Each state university board of trustees is authorized to permit the use of property, facilities, and personal services at any state university by any university direct-support organization, and, subject to the provisions of this section, direct-support organizations may establish accounts with the State Board of Administration for investment of funds pursuant to part IV of chapter 218.

(b) The board of trustees, in accordance with regulations and guidelines of the Board of Governors, shall prescribe by regulation conditions with which a university direct-support organization must comply in order to use property, facilities, or personal services at any state university, including that personal services must comply with s. [1012.976](#). Such regulations shall provide for budget and audit review and oversight by the board of trustees, including thresholds for approval of purchases, acquisitions, projects, and issuance of debt. No later than July 1, 2019, the transfer of a state appropriation by the board of trustees to any direct-support organization may only include funds pledged for capital projects. Beginning July 1, 2019, and annually thereafter, each university board of trustees shall report to the Legislature the amount of state appropriations transferred to any direct-support organization during the previous fiscal year, the purpose for which the funds were transferred, and the remaining balance of any funds transferred.

(c) The board of trustees may not transfer any funds to and shall not permit the use of property, facilities, or personal services at any state university by any university direct-support organization that does not provide equal employment opportunities to all persons regardless of race, color, religion, gender, age, or national origin.

(d) The board of trustees may not permit the use of state funds for travel expenses by any university direct-support organization.

(3) BOARD OF DIRECTORS.—The chair of the university board of trustees shall appoint at least one representative to the board of directors and the executive committee of any direct-support organization established under this section. The president of the university for which the direct-support organization is established, or his or her designee, shall also serve on the board of directors and the executive committee of any

direct-support organization established to benefit that university. The university board of trustees shall approve all appointments to any direct-support organization not authorized by this subsection.

(4) **ACTIVITIES; RESTRICTION.**—A university direct-support organization is prohibited from giving, either directly or indirectly, any gift to a political committee as defined in s. [106.011](#) for any purpose.

(5) **ANNUAL AUDIT; PUBLIC RECORDS EXEMPTION; PUBLIC MEETINGS EXEMPTION.**—

(a) Each direct-support organization shall provide for an annual financial audit of its accounts and records to be conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General pursuant to s. [11.45\(8\)](#) and by the university board of trustees. The annual audit report shall be submitted, within 9 months after the end of the fiscal year, to the Auditor General and the Board of Governors for review. The Board of Governors, the university board of trustees, the Auditor General, and the Office of Program Policy Analysis and Government Accountability shall have the authority to require and receive from the organization or from its independent auditor any records relative to the operation of the organization. The identity of donors who desire to remain anonymous shall be protected, and that anonymity shall be maintained in the auditor's report.

(b) Other than the auditor's report, management letter, any records related to the expenditure of state funds, and any financial records related to the expenditure of private funds for travel, all records of the organization and any supplemental data requested by the Board of Governors, the university board of trustees, the Auditor General, and the Office of Program Policy Analysis and Government Accountability shall be confidential and exempt from s. [119.07\(1\)](#).

(c) Any portion of a meeting of the board of directors of the organization, or of the executive committee or other committees of such board, at which any proposal seeking research funding from the organization or a plan or program for either initiating or supporting research is discussed is exempt from s. [286.011](#) and s. 24(b), Art. I of the State Constitution.

(6) **FACILITIES.**—Each direct-support organization is authorized to enter into agreements to finance, design and construct, lease, lease-purchase, purchase, or operate facilities necessary and desirable to serve the needs and purposes of the university, as determined by the systemwide strategic plan adopted by the Board of Governors. Such agreements are subject to the provisions of ss. [1010.62](#) and [1013.171](#).

(7) **ANNUAL BUDGETS AND REPORTS.**—Each direct-support organization shall submit to the university president and the Board of Governors its federal Internal Revenue Service Application for Recognition of Exemption form (Form 1023) and its federal Internal Revenue Service Return of Organization Exempt from Income Tax form (Form 990).

History.—s. 172, ch. 2002-387; s. 173, ch. 2007-5; s. 89, ch. 2007-217; s. 31, ch. 2013-37; s. 1, ch. 2014-27; s. 7, ch. 2018-4; s. 1, ch. 2019-26.

Select Year: 2025

The 2025 Florida Statutes

[Title XLVIII](#)

EARLY LEARNING-20 EDUCATION CODE

[Chapter 1010](#)

FINANCIAL MATTERS

[View Entire Chapter](#)

1010.62 Revenue bonds and debt.—

(1) As used in this section, the term:

(a) “Auxiliary enterprise” means any activity defined in s. [1011.47\(1\)](#) and performed by a university or a direct-support organization.

(b) “Capital outlay project” means:

1. Any project to acquire, construct, improve, or change the functional use of land, buildings, and other facilities, including furniture and equipment necessary to operate a new or improved building or facility.

2. Any other acquisition of equipment or software.

(c) “Debt” means bonds, except revenue bonds as defined in paragraph (e), loans, promissory notes, lease-purchase agreements, certificates of participation, installment sales, leases, or any other financing mechanism or financial arrangement, whether or not a debt for legal purposes, for financing or refinancing for or on behalf of a state university or a direct-support organization or for the acquisition, construction, improvement, or purchase of capital outlay projects.

(d) “Direct-support organization” means an organization created pursuant to s. [1004.28](#) or any entity specifically established to incur debt.

(e) “Revenue bonds” means any obligation that constitutes a revenue bond pursuant to s. 11(d), Art. VII of the State Constitution.

(2)(a) The Board of Governors may request the issuance of revenue bonds pursuant to the State Bond Act and s. 11(d), Art. VII of the State Constitution to finance or refinance capital outlay projects permitted by law. Revenue bonds may be secured by or payable only from those revenues authorized for such purpose, including the Capital Improvement Trust Fund fee, the building fee, the health fee, the transportation access fee, hospital revenues, or those revenues derived from or received in relation to sales and services of auxiliary enterprises or component units of the university, including, but not limited to, housing, transportation, health care, research or research-related activities, food service, retail sales, athletic activities, or other similar services, other revenues attributable to the projects to be financed or refinanced, any other revenue approved by the Legislature for facilities construction or for securing revenue bonds issued pursuant to s. 11(d), Art. VII of the State Constitution, or any other revenues permitted by law. Revenues from the activity and service fee and the athletic fee may be used to pay and secure revenue bonds except that the annual debt service shall not exceed an amount equal to 5 percent of the fees collected during the most recent 12 consecutive months for which collection information is available prior to the sale of the bonds. The assets of a university foundation and the earnings thereon may also be used to pay and secure revenue bonds of the university or its direct-support organizations. Revenues from royalties and licensing fees may also be used to pay and secure revenue bonds so long as the facilities being financed are functionally related to the university operation or direct-support organization reporting such royalties and licensing fees. Revenue bonds may not be secured by or be payable from, directly or indirectly, tuition, the financial aid fee, sales and services of educational departments, revenues from grants and contracts, except for money received for overhead and indirect costs and other moneys not required for the payment of direct costs, or any other operating revenues of a state university. However, moneys due to the state university from the Federal Government for the payment of grants and contracts may be used to pay debt service on revenue bonds only as required through the

United States Department of Education's Historically Black College and University Capital Financing Program. Revenues from one auxiliary enterprise may not be used to secure revenue bonds of another unless the Board of Governors, after review and analysis, determines that the facilities being financed are functionally related to the auxiliary enterprise revenues being used to secure such revenue bonds.

(b) In connection with the issuance of revenue bonds, the Board of Governors, and the state university if so designated by the Board of Governors, shall comply with all covenants, commitments, or other provisions relating to the revenue bonds. Such covenants, commitments, or other provisions, in addition to those provided in the State Bond Act, may relate to:

1. Pledging the fees, charges, and other revenues that secure the revenue bonds;
2. Fixing and maintaining fees, rates, and other charges pledged to the payment of the revenue bonds;
3. Providing a lien on the revenues pledged;
4. Preventing or providing for the creation of other liens on the fees, charges, and other revenues that secure the revenue bonds;
5. Establishing and maintaining reserves for debt service payments on revenue bonds;
6. Providing for the operation, maintenance, and improvement of facilities that are related to the generation of the fees, revenues, and other charges pledged to the payment of the revenue bonds; and
7. Establishing any other covenants, commitments, or provisions that are deemed necessary or advisable to enhance the security of the revenue bonds, or the marketability thereof, and that are customary in accordance with the market requirements for the sale of such revenue bonds.

(c) Revenue bonds issued pursuant to this subsection are not required to be validated pursuant to chapter 75.

(3)(a) A state university or direct-support organization may not issue debt without the approval of the Board of Governors. The Board of Governors may approve the issuance of debt by a state university or a direct-support organization only when such debt is used to finance or refinance capital outlay projects. The debt may be secured by or payable only from those revenues authorized for such purpose, including the health fee, the transportation access fee, hospital revenues, or those revenues derived from or received in relation to sales and services of auxiliary enterprises or component units of the university, including, but not limited to, housing, transportation, health care, research or research-related activities, food service, retail sales, athletic activities, or other similar services. Revenues derived from the activity and service fee and the athletic fee may be used to pay and secure debt except that the annual debt service shall not exceed an amount equal to 5 percent of the fees collected during the most recent 12 consecutive months for which collection information is available prior to incurring the debt. The assets of university foundations and the earnings thereon may be used to pay and secure debt of the university or its direct-support organizations. Gifts and donations or pledges of gifts may also be used to secure debt so long as the maturity of the debt, including extensions, renewals, and refundings, does not exceed 5 years. Revenues from royalties and licensing fees may also be used to secure debt so long as the facilities being financed are functionally related to the university operation or direct-support organization reporting such royalties and licensing fees. The debt may not be secured by or be payable from, directly or indirectly, tuition, the financial aid fee, sales and services of educational departments, revenues from grants and contracts, except for money received for overhead and indirect costs and other moneys not required for the payment of direct costs of grants, or any other operating revenues of a state university. The debt of direct-support organizations may not be secured by or be payable under an agreement or contract with a state university unless the source of payments under such agreement or contract is limited to revenues that universities are authorized to use for payment of debt service. Revenues from one auxiliary enterprise may not be used to secure debt of another unless the Board of Governors, after review and analysis, determines that the facilities being financed are functionally related to the auxiliary enterprise revenues being used to secure such debt. Debt may not be approved to finance or refinance operating expenses of a state university or a direct-support organization. The maturity of debt used to finance or refinance the acquisition of equipment or software, including any extensions, renewals, or refundings thereof, shall be limited to 5 years or the estimated useful life of the equipment or software, whichever is shorter. The Board of Governors may establish conditions and limitations on such debt as it determines to be advisable.

(b) Approval by the Board of Governors of the issuance of debt shall be based upon a determination that the debt:

1. Is for a purpose consistent with the mission of the state university;
2. Is structured in a manner appropriate for the prudent financial management of the state university;
3. Is secured by revenues adequate to provide for all payments relating to the debt;
4. Has been analyzed by the Division of Bond Finance and issues raised by such analysis have been appropriately considered by the Board of Governors; and
5. Is consistent with the requirements of any policies or criteria adopted by the Board of Governors for the approval of debt.

(c) Notwithstanding paragraphs (a) and (b), state universities and direct-support organizations may engage in the following activities without the approval of the Board of Governors:

1. State universities may lease-purchase equipment and software in accordance with the deferred-purchase provisions in chapter 287 and direct-support organizations may lease-purchase equipment and software to the extent that the overall term of the financing, including any extension, renewal, or refinancing thereof, does not exceed 5 years or the estimated useful life of the equipment or software, whichever is shorter;
2. Direct-support organizations may issue promissory notes and grant conventional mortgages for the acquisition of real property; and
3. State universities and direct-support organizations may secure debt with gifts and donations and pledges of gifts so long as the facilities being financed thereby have been included in the university's 5-year capital improvement plan that has been approved by the Board of Governors and the maturity of the debt, including any extension, renewal, or refunding, does not exceed 5 years.

(4) The approval by the Board of Governors of revenue bonds, except refunding bonds, or debt must be requested by a resolution of the board of trustees of each state university involved in the issuance of the revenue bonds or debt.

(5) Revenue bonds or debt issued under this section may be secured on a parity with prior revenue bonds or debt issued by or on behalf of one or more universities or a direct-support organization.

(6) Capital outlay projects to be financed by revenue bonds or debt are limited to those approved by the Legislature through approval of the specific project or general approval of the type or category of capital outlay project.

(7)(a) As required pursuant to s. 11(d), Art. VII of the State Constitution and subsection (6), the Legislature approves capital outlay projects meeting the following requirements:

1. The project is located on a campus of a state university or on land leased to the university or is used for activities relating to the state university;
2. The project is included in the master plan of the state university or is for facilities that are not required to be in a university's master plan;
3. The project is approved by the Board of Governors as being consistent with the strategic plan of the state university and the programs offered by the state university; and
4. The project is for purposes relating to the housing, transportation, health care, research or research-related activities, food service, retail sales, or student activities of the state university.

(b) Capital outlay projects for the acquisition of equipment or software are also approved for purposes of subsection (6) to the extent that the overall term of the financing, including any extension, renewal, or refinancing thereof, does not exceed 5 years or the estimated useful life of the equipment or software, whichever is shorter.

(8) Notwithstanding any other law, the Board of Governors, each state university, and any direct-support organization must comply with the provisions of this section in order to issue or enter into agreements for the issuance of revenue bonds or debt.

(9) The Board of Governors may adopt such policies as may be necessary or desirable for carrying out all of the requirements of this section and may do all things necessary or desirable to carry out the powers granted under this section. Such policies may include categories of debt, other than revenue bonds, which may be issued without approval of the specific issuance by the Board of Governors if the issuance complies with any terms, conditions, or

requirements included in such policy and laws governing the imposition of fees and laws requiring specific authority to pledge revenues to secure debt.

(10) Any legal commitments, contracts, or other obligations relating to the financing of capital outlay projects that were lawfully entered into before the effective date of this section shall remain in full force and effect. Any such legal commitment, contract, or other obligation may be amended without compliance with this section, but only to the extent that such amendment does not increase the financial obligation of the Board of Governors, a state university, or a direct-support organization.

History.—s. 5, ch. 2006-27; s. 24, ch. 2010-78; s. 1, ch. 2018-28.

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DEBT MANAGEMENT GUIDELINES

(for Capital Outlay Projects)

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I. INTRODUCTION

The Need for and Purpose of Debt Management Guidelines

The state universities of Florida and their direct support organizations (“DSOs”) have funded significant investments in infrastructure, such as buildings, equipment, land, and technology, to meet the needs of a growing student population and to upgrade and maintain existing capital assets. A significant amount of the funding for this investment in infrastructure has been provided through the issuance of debt by the state for the benefit of the state universities and by the state universities’ direct support organizations.

The purpose of these guidelines is to confirm that the state universities and their DSOs must engage in sound debt management practices and, to that end, the Board of Governors (“Board”) has formalized guiding principles for the issuance of debt by the state universities and their DSOs. Each state university shall adopt a debt management policy which is consistent with these guidelines and which shall be approved by the Board.

The following guidelines set forth guiding principles regarding state university and DSO debt-related decisions related to:

- a) The amount of debt that may prudently be issued.
- b) The purposes for which debt may be issued.
- c) Structural features of debt being issued.
- d) The types of debt permissible.
- e) Compliance with securities laws and disclosure requirements.
- f) Compliance with federal tax laws and arbitrage compliance.

These principles will facilitate the management, control and oversight of debt issuances for the purpose of facilitating ongoing access to the capital markets which is critical to the financing of needed infrastructure.

In furtherance of this objective, the provisions of these guidelines shall be followed in connection with the authorization, issuance and sale of university and DSO debt. However, exceptions to the general principles set forth herein may be appropriate under certain circumstances. Also, additional guidelines and policies may be necessary as new financial products and debt structures evolve over time.

For purposes of these guidelines:

i. “debt” means bonds, loans, promissory notes, lease-purchase agreements, certificates of participation, installment sales, leases, or any other financing mechanism or financial arrangement, whether or not a debt for legal purposes, for financing or refinancing, for or on behalf of a state university or a direct support organization, the acquisition, construction, improvement or purchase of capital outlay projects;

ii. “capital outlay project” means (i) any project to acquire, construct, improve or change the functional use of land, buildings, and other facilities, including furniture and equipment necessary to operate a new or improved building or facility, and (ii) any other acquisition of equipment or software; and

iii. “financing documents” means those documents and other agreements entered into by the state university or the DSO establishing the terms, conditions and requirements of the debt issuance.

iv. “auxiliary enterprise” means any activity defined in section 1011.47(1), Florida Statutes, and performed by a university or a direct-support organization.

II. DEBT AFFORDABILITY AND CAPITAL PLANNING

Concept of Affordability

One of the most important components of an effective debt management policy is an analysis of what level of debt is affordable given a particular set of circumstances and assumptions. More comprehensive than simply an analysis of the amount of debt that may be legally issued or supported by a security pledge, the level of debt should be analyzed in relation to the financial resources available to the university and its DSOs, on a consolidated basis, to meet debt service obligations and provide for operating the university.

An analysis of debt affordability should address the impact of existing and proposed debt levels on an issuer’s operating budget and offer guidelines or ranges to policymakers for their use in allocating limited resources within the guidelines.

Debts That May Be Issued Without Board of Governors' Approval

University boards of trustees may authorize the state universities and their DSOs, as applicable, to engage in the following types of financings without Board approval:

- Universities may finance the acquisition of equipment and software provided such financings are accomplished in accordance with the deferred-purchase provisions in Chapter 287, Florida Statutes.
- DSOs may finance the acquisition of equipment and software financings provided the overall term of the financing, including any extension, renewal or refinancings, hereof, does not exceed five years or the estimated useful life of the equipment or software, whichever is shorter.
- DSOs may issue promissory notes and grant conventional mortgages for the acquisition of real property, excluding student housing or any other facility that will compete with a university's existing auxiliary enterprise. However, no mortgage or note shall exceed 30 years.
- Debt secured solely with gifts and donations and pledges of gifts so long as the maturity of the debt, including extensions, renewals and refundings, does not exceed five years and so long as the facilities being financed have been included in the university's five-year capital improvement plan that has been approved by the Board.
- Refundings for debt service savings where final maturities are not extended, and the original financing was authorized by the Board of Governors, or a predecessor oversight board.
- Fully collateralized lines of credit intended to be used for short-term interim financing of FCO projects.
- Energy Performance-Based Contracts, in accordance with the provisions of section 1013.23, Florida Statutes, not to exceed \$10,000,000.
- Universities may borrow up to \$20,000,000 from a university DSO on a non-recourse basis to finance a capital project. The term of the borrowing may not exceed thirty (30) years, and the interest rate, if any, may not exceed current market interest rates. The university retains legal title to any capital project financed in whole or in part by such loan irrespective of whether the loan is repaid. The DSO is prohibited from transferring the note or any other instrument associated with the borrowing to any other entity.

III. GENERAL DEBT ISSUANCE GUIDELINES

Approval Process and Required Information

Timing. The submission of proposed debt for approval by the Board shall be governed by the following process¹:

- a) Following approval by the board of trustees, the university shall transmit to the Board Office a request for debt approval 90 days prior to the next regularly scheduled meeting of the Board. The university shall also provide a copy to the State Division of Bond Finance (“DBF”). The formal transmittal to the Board Office shall be in duplicate, hard copy, and bound in a three-ring binder, and include all the information required by these guidelines. Electronic copies of supporting documentation should be provided to the Board Office and the DBF, to the extent available. **The formal letter of transmission must be signed by the official point of contact for the university, and any exceptions to these Debt Guidelines shall be noted and explained.**
- b) During the review period, the Board Office shall review the information submitted for compliance with these guidelines and state law, analyze general credit issues associated with the proposed indebtedness, and review any analysis provided by DBF staff.
- c) Board and DBF staff shall jointly discuss with the university or DSO any issues, concerns or suggestions resulting from the review during the review period. As a result of these discussions, the university may amend the information submitted or explain why the suggestions were not incorporated. The Board Office will advise the university if it believes that any amended information is so significant that re-authorization by the board of trustees and/or DSO is required. During this period, if the debt being requested for approval is to be issued by DBF on behalf of a state university, DBF shall submit to the Board Office a form of a resolution for adoption requesting that DBF issue the debt.
- d) After the review period, the Board Office shall submit the agenda item with supporting documentation and all appropriate and required analyses to the Board for consideration at its next meeting. Supporting documentation for the agenda item shall also include the resolution to be adopted by the Board requesting issuance of the debt by DBF or a resolution approving issuance of the debt by the DSO.

Required Information. The following information shall be reviewed by the university board of trustees, and the DSO (if applicable) when considering the issuance of debt; and shall subsequently be submitted to the Board Office in support of a request for approval

¹ Although not required, universities are encouraged to consult with the Board Office and the State Division of Bond Finance 30 days prior to formal approval of debt by the university board of trustees or the DSO, particularly for any debt with unusual features.

of the issuance of debt. Additionally, the university or DSO shall complete the “Checklist of Information Required for Submission to the Board Pursuant to Debt Management Guidelines,” and provide any additional information requested by the Board Office or DBF staff in connection with review of any proposed debt issuance.

- a) A resolution of the DSO board of directors approving the debt issuances, if applicable, and a resolution of the university board of trustees approving the debt issuance and authorizing the university to request Board approval of the debt issuance. For debt to be issued by DBF, at the request of the university, DBF staff will work with the university to determine a not-to-exceed amount of debt to be included in the board of trustees requesting resolution to the Board and in preparing required debt service and source-and-use schedules.
- b) The project program, feasibility studies or consultant reports (if available), and an explanation of how the project being proposed is consistent with the mission of the university and an executive project summary, including appropriate references to any related reports.
- c) Estimated project cost, with schedules drawn by month and including start and completion dates, estimated useful life, and the date bond proceeds are required.
- d) The sources-and-uses of funds, clearly depicting all costs, funding sources expected to be used to complete the project and the estimated amount of the debt to be issued.
- e) An estimated debt service schedule with the assumed interest rate on the debt clearly disclosed. If the proposed debt service is not structured on a level debt service basis, an explanation shall be provided which gives the reason why it is desirable to deviate from a level debt structure.
- f) One consolidated debt service schedule separately showing all outstanding debt related to or impacting the debt being proposed, the proposed debt and the new estimated total debt service.
- g) A description of the security supporting the repayment of the proposed debt and the lien position the debt will have on that security. If the lien is junior to any other debt, the senior debt must be described. Furthermore, a description of why the debt is proposed to be issued on a junior lien basis must be provided. A statement citing the legal authority for the source of revenues securing repayment must also be provided.
- h) If debt is to be incurred on a parity basis with outstanding debt, a schedule showing estimated compliance with any additional bonds requirement set forth in the documents governing the outstanding debt. The applicable provisions of the documents for bonds of DSOs should be provided.

- i) Financial statements for five years, if available, for the auxiliary, if auxiliary revenues are pledged.
- j) A five-year history, if available, and five-year projection of the revenues securing payment and debt service coverage. To the extent applicable, the projections must be shown on the individual project as well as the entire system. All revenue items securing repayment must be clearly set forth as separate line items. An explanation must be provided with regard to growth assumptions, and to the amount and status of approval of any rate increases. The effect of the rate increases on the projections and expected revenues and expenses for the new facility should be clearly set forth as a separate line item. If rate increases are necessary, a commitment must be made to increase rates to the needed levels. Major categories of any operating expenses should be set forth as separate line items with an explanation of assumptions regarding increases or decreases.
- k) Evidence that the project is consistent with the university's master plan or a statement that the project is not required to be in the master plan.
- l) For variable rate debt proposals:
 - i) the expected reduction in total borrowing costs based on a comparison of fixed versus variable interest rates;
 - ii) a variable rate debt management plan that addresses liquidity and interest rate risks and provides, at a minimum: a description of budgetary controls, a description of liquidity arrangements, a discussion of why the amount of variable rate debt being proposed is appropriate, and a plan for hedging interest rate exposure. If interest rate risks are to be mitigated by the use of derivatives, then evidence that the counterparty has a long term rating of at least an A/A2 and a swap management plan as set forth in the Board's Debt Management Guidelines must be submitted;
 - iii) a pro forma showing the fiscal feasibility of the project using current market interest rates plus 200 basis points;
 - iv) the total amount of variable rate debt including the proposed debt as a percentage of the total amount of university and DSO debt outstanding; and
 - v) the individual or position that will be responsible for the reporting requirements for variable rate debt as set forth in these guidelines.
- m) If all or any portion of the financing is contemplated to be done on a taxable basis, then evidence demonstrating that the issuance of taxable debt is in the best interest of the university must be submitted.
- n) A statement explaining whether legislative approval is required, and if required, an explanation as to when legislative approval will be sought or evidence that legislative approval has already been obtained.
- o) A statement that the debt issuance is in accordance with the university's debt management policy or, if not, an explanation of the specific variances as well as the reasons supporting the variances.

- p) If a request is made to employ a negotiated method of sale, an analysis must be provided supporting the selection of this method that includes a discussion of the factors set forth in section IV of these Guidelines.
- q) A description of the process used to select each professional engaged in the transaction, showing compliance with the competitive selection process required by these Guidelines. Specific contact information for each selected professional must be included and, at a minimum, should disclose the professional's name, firm name, address, email address, phone number and facsimile number.
- r) The most recent annual variable rate debt report.
- s) An analysis must be prepared and submitted which provides quantitative metrics justifying the need for the construction or acquisition of the project and explains why the project is essential to the university's core mission. There must also be a detailed assessment of private sector alternatives, and a determination of whether the private sector can offer a comparable alternative at a lower cost. This information may be included as part of a project feasibility study or may be a stand-alone report.
- t) An analysis must be prepared which calculates the expected return on investment or internal rate of return for a revenue-generating project or another appropriate quantitative measure for a non-revenue generating project.

Approval. The Board will consider the following factors in connection with its review and approval of university or DSO debt issuance.

- a) The debt is to provide funding for needed capital outlay projects of the university for purposes consistent with the mission of the university.
- b) The debt is being issued in compliance with the principles and guidelines set forth herein.
- c) The project information submitted is reasonable and supportable.
- d) The five-year projection of pledged revenues available to pay debt service should provide debt service coverage of at least 1.20x for both outstanding parity debt and for the proposed new debt, combined, for all years within the five-year projection period after giving credit for any capitalized interest and other revenues available for payment.
- e) Any requirements for the issuance of additional parity debt can be reasonably expected to be met.

Purposes for Which Debt May Be Issued

Debt may be issued only to finance or refinance capital outlay projects as defined in these guidelines, including equipment and software; debt may not be approved to finance or refinance operating expenses of a university or a DSO.

Refunding bonds may be issued to achieve debt service savings. Refunding bonds may also be issued to restructure outstanding debt service or to revise provisions of Financing Documents if it can be demonstrated that the refunding is in the best interest of the university.

Committing University Resources for Debt Issued by Direct Support Organizations

There may be occasions where the university considers committing its financial resources on a long-term basis in support of debt issued by a DSO or other component unit. While the nature of the commitment may not constitute a legal debt obligation of the university, it may affect the university's debt position and its available financial resources. Therefore, the university should evaluate the long-term fiscal impact upon the university's debt position and available resources before authorizing any such financial commitment. Additionally, the debt of any DSO may not be secured by an agreement or contract with the university unless the source of payments under such agreement or contract is limited to revenues that the university is authorized to use for the payment of debt service. Any such contract or agreement shall also be subject to the requirements set forth under "Security Features – Pledged Revenues" herein.

Leveraging Endowment Assets

The Board will use the following criteria and conditions when analyzing debt secured by University or DSO endowments or other unrestricted investments, when those assets are a material component of the source of repayment of the debt and/or the purpose of the financing is to gain positive arbitrage on the invested assets:

- a) The University or DSO must restrict a portion of the endowment to reflect the encumbrance of endowment assets in an amount sufficient to cover the outstanding balance of the debt.
- b) The total amount of debt secured by endowment assets should be reasonable based on the amount of unrestricted endowment assets and composition of the investment portfolio.
- c) In addition to applicable *Required Information* (see page 7), the University or DSO should provide the Board the following information:
 - i. Its plan to actively monitor the investment return and market value of the restricted endowment assets at least quarterly with reporting to the University or DSO Board of Trustees at least annually.
 - ii. Information regarding the composition of its endowment

investment portfolio, its investment policy governing the investments, historical investment returns for the portfolio and a description of the investment professionals responsible for endowment investments.

- iii. The University or DSO should evaluate the liquidity available in its endowment investment portfolio and provide an explanation of the liquidity relative to the outstanding debt to ensure sufficient liquidity is available if ever needed.
- iv. Explain the proposed duration of the debt and prepayment provisions so that adequate flexibility is maintained to liquidate assets and prepay the debt if necessary or desirable.
- v. Its plan for determining when to consider prepaying the debt along with what approvals are necessary to implement the plan if investment returns or other circumstances warrant prepaying the debt.

Credit Quality and Ratings

In order to access the credit markets at the lowest possible borrowing cost, it is recognized that credit ratings are critical. The coordinated delivery of information related to the university and its DSOs is an essential component of credit management. Therefore, for all debt:

- a) For existing bond programs, universities and DSOs shall strive to maintain or improve current credit ratings without adversely impacting the amount of debt which may be issued for any particular program.
- b) For all new rated debt, the university or DSO shall seek to structure the transaction to achieve a minimum rating of “A” from at least two nationally recognized rating agencies. Credit enhancement may be used to achieve this goal.
- c) Communications and other activities with rating agencies relating to credit ratings on university and DSO debt and activities relating to disclosure under Rule 15c2-12 of the Securities and Exchange Commission shall be conducted jointly between the university and/or DSO and the Board Office and DBF, under the management and coordination of the Board Office and DBF. The university or DSO must notify the Board Office and DBF in advance of any contact with a rating agency, such that the Board Office and DBF will have an adequate opportunity to prepare and participate. In addition, the university or DSO must promptly notify the Board Office and DBF when a rating agency requests to schedule surveillance calls, site visits, or other activities, or whenever any request for information is received, such that the Board Office, and DBF will have an adequate opportunity to prepare and participate. The Board Office and DBF must be notified on the same day that a rating agency publishes their final rating action, should the final rating action not be provided directly to the Board Office

and DBF. The Board Office and DBF will coordinate with the university and/or DSO on the appropriate level of engagement by the Board Office and DBF for any given call, draft report, site visit, etc., as determined by the Board Office and DBF. The Board Office and DBF must be copied on any communications between the university and/or the DSO and any rating agency. Each university and DSO must provide all information relating to credit ratings or disclosure to the Board Office and DBF and respond timely to requests from the Board Office and DBF for any information necessary to facilitate activities relating to credit ratings or appropriate disclosure.

- d) The Board Office will maintain a comprehensive listing of all university and DSO ratings.

Tax Status

The universities have traditionally issued tax exempt debt which results in significant interest cost savings compared with the interest cost on taxable debt. Accordingly, all university and DSO debt should be issued to take advantage of the exemption from federal income taxes unless the university demonstrates that the issuance of taxable debt is in the university's best interest. With respect to debt which has a management contract with a private entity as part of the security feature, the management contract should comply, to the greatest extent practical, with tax law requirements to obtain tax exemption for the debt.

Security Features

Pledged Revenues. The debt issued by universities and their DSOs may only be secured by revenues (including fund balances and budget surpluses) authorized for such purpose. The revenues which may secure debt include the following:

- a) Activity and Service Fee, subject to the limitation that annual debt service payable from these fees does not exceed five percent of the revenues derived therefrom.
- b) Athletic Fee, subject to the limitation that annual debt service payable from these fees does not exceed five percent of the revenues derived therefrom.
- c) Health Fee.
- d) Transportation Access Fee.
- e) Hospital Revenue.
- f) Licenses and Royalties for facilities that are functionally related to the university operation or DSO reporting such royalties and licensing fees.
- g) Gifts and Donations for debt not longer than five years.

- h) Overhead and indirect costs and other monies not required for the payment of direct costs of grants.
- i) Assets of university foundations and DSOs and earnings thereon.
- j) Auxiliary Enterprise Revenues, e.g., housing, parking, food service, athletic, retail sales, research activities.

Revenues which are not enumerated above may not be pledged to secure debt unless authorized by law for such purpose. In the case of university-issued debt, the pledge of revenues which secures debt should specifically identify the sources pledged and not use general or vague terms such as “lawfully available revenues.” Specifically identifying revenues used to secure debt will provide certainty and transparency as to the revenues that are encumbered and avoid ambiguity or uncertainty as to the issuer’s legal liability and universities and their DSOs should take this into consideration when determining the nature of the security it will provide in connection with a debt issuance. The guidelines for pledging revenues and securing debt shall also apply to debt structures which involve an agreement, contract or lease with a university or its DSOs, i.e., the revenues being pledged to secure debt must be specifically identified and lawfully available for such purpose. It is preferable, whenever possible, to secure debt with system pledges comprised of multiple facilities within a system, e.g., housing and parking, rather than stand-alone project finances.

Functional Relationships. Revenues from one auxiliary enterprise (a “Supporting Auxiliary Enterprise”) may not be used to secure debt of another auxiliary enterprise unless the Board, after review and analysis, determines that the facility being financed (the “Facility”) is functionally related to the Supporting Auxiliary Enterprise’s revenues being used to secure such debt. The Board must determine whether a functional relationship exists whenever revenues from a Supporting Auxiliary Enterprise will be used to pay or secure the debt of a Facility or when proceeds of bonds issued by a Supporting Auxiliary Enterprise will be used, directly or indirectly, to pay costs relating to a Facility. When a functional relationship is established between a Facility and a Supporting Auxiliary Enterprise, only that portion of the Supporting Auxiliary Enterprise’s revenues that exceed its operating requirements and debt service, if any, may be pledged to secure such debt; provided that such pledge may be on parity with outstanding debt if permitted by the covenants and conditions of the outstanding debt.

A functional relationship exists when a nexus is established between the Facility and the Supporting Auxiliary Enterprise’s revenues. Whether a Facility is functionally related to the Supporting Auxiliary Enterprise’s revenues must be determined on a case by case basis, taking into consideration the unique facts and circumstances surrounding each individual situation.

Examples of functional relationships include, but are not limited to, a parking facility intended to provide parking to residents of a student housing facility and located within reasonably close proximity to a student housing facility; a food services facility intended to serve residents of a student housing facility and located within reasonably close proximity

to a student housing facility; or shared infrastructure (e.g. water lines, sewer lines, utilities, plaza areas) located within reasonably close proximity to both the Facility and the Supporting Auxiliary Enterprise. While representations that a Facility will provide general benefits to or enhance the experience of the student body are desirable, this factor alone is not determinative in and of itself to establish a functional relationship between the Facility and the Supporting Auxiliary Enterprise's revenues.

Lien Status. All bonds of a particular program should be secured by a first lien on specified revenues. Additionally, bonds should generally be equally and ratably secured by the revenues pledged to the payment of any outstanding bonds of a particular bond program. However, the creation of a subordinate lien is permissible if a first lien is not available or circumstances require.

Reserve Fund. Debt service reserve requirements may be satisfied by a deposit of bond proceeds, purchase of a reserve fund credit facility, or funding from available resources over a specified period of time. In the submission of a request for debt issuance, it is preferred, though not required, that the bond size for the proposed debt include provisions for funding a reserve from bond proceeds. This will ensure that in the event the university is unable to obtain a reserve fund credit facility it will still have an authorized bond amount sufficient to fund its needs. Debt service reserve requirements may also be satisfied with cash balances.

Credit Enhancement. Credit enhancement is used primarily to achieve interest cost savings. Accordingly, the state universities and their DSOs should consider the cost effectiveness of bond insurance or other credit enhancements when evaluating a debt issuance and the overall cost thereof. Any bond insurance or credit enhancement should be chosen through a competitive selection process analyzing the cost of the insurance or credit enhancement and the expected interest cost savings to result from their use. The primary determinant in selecting insurance or other credit enhancement should be price and expected interest cost savings; however, consideration may also be given to the terms of any arrangement with the provider of insurance or other credit enhancement.

Capitalized Interest. Capitalized interest from bond proceeds is used to pay debt service until a revenue producing project is completed or to manage cash flows for debt service in special circumstances. Because the use of capitalized interest increases the cost of the financing, it should only be used when necessary for the financial feasibility of the project.

Structural Features

Length of Maturity. In addition to any restriction on the final maturity imposed by the constitution or laws of the state, as a general guideline, the final maturity on bonds should not exceed thirty years.

Debt secured by gifts and donations shall not be considered long-term financing, but may be used as a temporary or construction loan to accelerate construction of facilities. Accordingly, the maturity of debt secured by gifts and donations shall not exceed five years, including roll-overs or refinancings except refinancings to implement permanent

financing. Debt issued to finance equipment and software may not be longer than five years or the useful life of the asset being financed, whichever is shorter. Lastly, the final maturity of the debt should not exceed the estimated useful life of the assets being financed.

Debt Service Structure. Generally, debt should be structured on a level debt basis so that the annual debt service repayments will, as nearly as practicable, be the same in each year. A deviation from these preferences is permissible if it can be demonstrated to be in the university's best interest, such as restructuring debt to avoid a default and not to demonstrate feasibility of a particular project.

Redemption Prior to Maturity. A significant tool in structuring governmental bonds is the ability to make the bonds callable after a certain period of time has elapsed after issuance. This provides the advantage of enabling the issuer to achieve savings through the issuance of refunding bonds in the event interest rates decline. Although the ability to refund bonds for a savings is advantageous, there may be situations where a greater benefit of lower interest rates may be realized by issuing the bonds as non-callable. Accordingly, there is a strong preference that bonds issued by a university or DSO be structured with the least onerous call features as may be practical under then prevailing market conditions. Bonds of a particular issue may be sold as non-callable if it is shown to be in the best interest of the university or DSO.

Debt Issued with a Forward Delivery Date. Debt issued by a university or DSO may be issued with a delivery date significantly later than that which is usual and customary. This debt typically carries an interest rate penalty associated with the delay in delivery. There are also additional risks that delivery will not occur. Debt with a forward delivery date may be issued if the advantages outweigh the interest rate penalty which will be incurred and the university and DSO are protected from adverse consequences of a failure to deliver the debt.

Interest Accrual Features

Fixed Rate, Current Interest Debt. Fixed rate debt will continue to be the primary means of financing infrastructure and other capital needs. However, there may be circumstances where variable rate debt is more appropriate, in which case, the state university or DSO shall provide documentation as noted in these guidelines for such debt.

Derivatives. Alternative financing arrangements, generally referred to as derivatives, are available in the market as an alternative to traditional bonds. Under certain market conditions, the use of alternative financing arrangements may be more cost effective than the traditional fixed income markets. However, these alternative financing instruments, such as floating to fixed swap agreements, have characteristics and carry risks peculiar to the nature of the instrument which are different from those inherent in the typical fixed rate financing. Although the universities and their DSOs should normally continue issuing conventional fixed rate bonds, alternative financing instruments may be used when the inherent risks and additional costs are identified and proper provision is made to protect the Board, the university, and the DSO from such risks. In determining when to utilize alternative financing arrangements, the availability of the requisite technical

expertise to properly execute the transaction and manage the associated risks should be evaluated along with any additional ongoing administrative costs of monitoring the transaction. Also, a comprehensive derivatives policy should be established by the university or their DSOs and approved by the Board prior to approving transactions using derivatives products.

Capital Appreciation Bonds. Normally, capital appreciation bonds, which do not require current debt service payments, should not be used. However, when a compelling university interest is demonstrated, capital appreciation bonds may be issued.

Variable Rate Bonds. Variable rate debt may be issued where, considering the totality of the circumstances, such bonds can reasonably be expected to reduce the total borrowing cost to the university or the DSO over the term of the financing. The availability of the requisite technical expertise to properly manage the risks and execution of the variable rate transaction should be evaluated along with any additional ongoing administrative costs of monitoring the transaction. There should be a solid understanding of the liquidity risk and interest rate risks associated with variable rate debt. Further, there should be a debt management plan that mitigates, to the extent possible, these risks over the life of the debt. The following guidelines should apply to the issuance of variable rate debt:

- a) *Expected reduction in total borrowing cost.* In determining reasonably expected savings, a comparison should be made between a fixed rate financing at then current interest rates and a variable rate transaction, based on an appropriate floating rate index. The cost of the variable rate transaction should take into account all fees associated with the borrowing which would not typically be incurred in connection with fixed rate bonds, such as tender agent, remarketing agent, or liquidity provider fees.
- b) *Limitation on variable rate debt.* The amount of variable rate debt and interest derivative exposure is dependent on several factors associated with these types of debts. Included in the factors associated with these instruments are the university's/DSO's operating flexibility and tightness of budget, access to short and long term capital, the likelihood of a collateral call or termination payment, and the university's/DSO's financial expertise. The level to which universities may utilize variable rate debt obligations ("VRDO") and interest derivatives (like swaps, collars, and caps) is subject to an understanding of the risks associated and a debt policy that adequately addresses the additional risks.
- c) *Budgetary controls.* To avoid a situation in which debt service on variable rate bonds exceeds the annual amount budgeted, the following guidelines should be followed in establishing a variable rate debt service budget:
 - i) A principal amortization schedule should be established, with provisions made for payment of amortization installments in each respective annual budget;
 - ii) Provide for payment of interest for each budget year using an assumed budgetary interest rate which allows for fluctuations in interest rates on the

- bonds without exceeding the amount budgeted. The budgetary interest rate may be established by: (1) using an artificially high interest rate given current market conditions; or (2) setting the rate based on the last 12 months actual rates of an appropriate index plus a 200 basis point cushion or spread to anticipate interest rate fluctuations during the budget year. The spread should be determined by considering the historical volatility of short-term interest rates, the dollar impact on the budget and current economic conditions and forecasts; or, (3) any other reasonable method determined by the university or DSO and approved by the Board;
- iii) The amount of debt service actually incurred in each budget year should be monitored monthly by the university or DSO to detect any significant deviations from the annual budgeted debt service. Any deviations in interest rates which might lead to a budgetary problem should be addressed immediately; and
 - iv) As part of the effort to monitor actual variable rate debt service in relation to the budgeted amounts and external benchmarks, the university or DSO should establish a system to monitor the performance of any service provider whose role it is to periodically reset the interest rates on the debt, i.e., the remarketing agent or auction agent.
- d) *Establish a hedge with short-term investments.* In determining the appropriate amount of variable rate debt which may be issued by the universities or their DSOs, consideration should be given to mitigating the variable interest rate risk by creating a hedge with short-term investments. This “hedge” mitigates the financial impact of debt service increases due to higher interest rates because, as debt service increases, the university’s or DSO’s earnings on short-term investments also increases. Appropriate personnel should monitor the hedge monthly. Short-term investment as a hedge is one of several methods of mitigating interest rate risk. The ratio of such short-term investments to variable debt needs to be examined in conjunction with other interest rate risk hedging, striking an overall balance to minimize interest rate risk.
- e) *Variable interest rate ceiling.* The bond documents should include an interest rate ceiling of no greater than 12%.
- f) *Mitigating interest rate risks with derivatives.* Universities and DSOs are allowed to use various derivatives to mitigate the risk of rising interest rates on variable rate debt. However, the introduction of these derivatives also presents other risks for which the university must mitigate. These risks include rollover risk, basis risk, tax event risk, termination risk, counterparty credit risk and collateral posting risk. At a minimum, a university/DSO engaging in this type of interest rate risk mitigation must provide:
- i) Evidence that the counterparty has a long term rating of at least an A/A2; and
 - ii) A swap management plan that details the following:
 - a) Why the university is engaging in the swap and what the objectives of the swap are.

- b) The swap counterparty's rating.
 - c) An understanding by the issuer of the cash flow projections that detail costs and benefits for the swap.
 - d) The plan of action addressing the aforementioned risks associated with swaps.
 - e) The events that trigger an early termination (both voluntary and involuntary) under the swap documents, the cost of this event and how such would be paid.
 - f) The method for rehedging variable rate exposure should early termination be exercised.
 - g) A list of key personnel involved in monitoring the terms of the swap and counterparty credit worthiness.
- g) *Liquidity.* One of the features typical of variable rate debt instruments is the bondholder's right to require the issuer to repurchase the debt at various times and under certain conditions. This, in theory, could force the issuer to repurchase large amounts of its variable rate debt on short notice, requiring access to large amounts of liquid assets. There are generally two methods for addressing this issue. With the first method, issuers that do not have large amounts of liquid assets may establish a liquidity facility with a financial institution which will provide the money needed to satisfy the repurchase. The liquidity provider should have a rating of A1/P1 or higher. The liquidity agreement does not typically run for the life of long-term debt. Accordingly, there is a risk that the provider will not renew the agreement or that it could be renewed only at substantially higher cost. Similar issues may arise if the liquidity provider encounters credit problems or an event occurs which results in early termination of the liquidity arrangement; in either case the issuer must arrange for a replacement liquidity facility. With the second method, issuers with significant resources may choose to provide their own liquidity. This approach eliminates the costs that would be charged by a third party liquidity provider and could mitigate the renewal/replacement risk. If a university/DSO chose to provide its own liquidity, the institution must maintain liquid assets or facilities equal to 100% of the outstanding VRDOs.
- h) *Submission of periodic reports.* By November 30th of each year, the university will prepare and submit to the board of trustees and the Board an annual variable rate debt report showing the position during the previous period of the university or DSO variable rate debt with respect to the following measures:
- i) the total principal amount of variable rate debt to principal amount of total debt;
 - ii) the amount of debt service accrued during the reporting period in relation to the pro-rata amount of annual budgeted debt service for the reporting period. If the amount of debt service which accrued during the reporting period exceeded the pro-rata amount of annual budgeted debt service for the period, the university shall explain what actions were taken to assure that there would be sufficient revenues and budget authority to make timely payments of debt service during the subsequent years; and

- iii) the amount of variable rate debt in relation to the amount of the university's and/or DSO's short-term investments, and any other strategies used to hedge interest rate risk.

Other Types of Financings

Refunding Bonds. Generally, refunding bonds are issued to achieve debt service savings by redeeming high interest rate debt with lower interest rate debt. Refunding bonds may also be issued to restructure debt or modify covenants contained in the bond documents. Current tax law limits to one time the issuance of tax-exempt advance refunding bonds to refinance bonds issued after 1986. There is no similar limitation for tax-exempt current refunding bonds. The following guidelines should apply to the issuance of refunding bonds, unless circumstances warrant a deviation therefrom:

- a) Refunding bonds should be structured to achieve level annual debt service savings.
- b) The life of the refunding bonds should not exceed the remaining life of the bonds being refunded.
- c) Advance refunding bonds issued to achieve debt service savings should have a minimum target savings level measured on a present value basis equal to 5% of the par amount of the bonds being advance refunded. The 5% minimum target savings level for advance refundings should be used as a general guide to guard against prematurely using the one advance refunding opportunity for post-1986 bond issues. However, because of the numerous considerations involved in the sale of advance refunding bonds, the 5% target should not prohibit advance refundings when the circumstances justify a deviation from the guideline.
- d) Refunding bonds which do not achieve debt service savings may be issued to restructure debt or provisions of bond documents if such refunding serves a compelling university interest.

Certificates of Participation and Lease-Type Financing. The universities or their DSOs may utilize these financing structures for all purposes, but it shall be considered as debt for the purposes of these guidelines and the universities shall always budget and make available monies necessary to pay debt service, notwithstanding the right to cancel the lease. Additionally, for lease purchase financings of equipment, universities and DSOs should consider using the state's consolidated equipment financing program if it will reduce costs and ensure a market interest rate on the financing.

Conversions of existing variable rate debt. A conversion between interest rate modes pursuant to the provisions of variable rate financing documents does not require Board approval. However, ten days prior to the conversion, the universities or their DSOs must notify the Board Office of a conversion and provide a summary of the terms of (i.e. interest rate, debt service schedule, etc.) and reasons for the conversion. The universities and DSOs should answer all questions and provide any additional information that Board staff deem necessary to fully understand the conversion.

IV. METHOD OF SALE AND USE OF PROFESSIONALS

Analysis of Method of Sale

It is in the best interests of the universities and their DSOs to use the method of sale for their debt that is expected to achieve the best sale results. Based upon the facts and circumstances with regard to each individual financing, it may be more appropriate to sell debt through either a competitive sale or through negotiation. Accordingly, the universities and their DSOs may utilize either a competitive or negotiated sale. If, however, a request is made for a DSO to sell debt using a negotiated sale, the university must provide the Board with an analysis showing that a negotiated sale is desirable. The analysis should include, but not necessarily be limited to, a consideration of the following factors:

- a) Debt Structure
 - i) pledged revenues – strong revenue stream vs. limited revenue base;
 - ii) security structure – conventional resolution, cash flow, rate and coverage covenants vs. unusual or weak covenants;
 - iii) debt instrument – traditional serial and term bonds vs. innovative, complex issues requiring special marketing; and
 - iv) size – a smaller transaction of a size which can be comfortably managed by the market vs. a large size which the market cannot readily handle.
- b) Credit Quality
 - i) ratings – “A” or better vs. below single “A”; and
 - ii) outlook – stable vs. uncertain or negative.
- c) Issuer
 - i) type of organization – well-known, general purpose vs. special purpose, independent authority;
 - ii) frequency of issuance – regular borrower vs. new or infrequent borrower; and
 - iii) market awareness – active secondary market vs. little or no institutional awareness.
- d) Market
 - i) interest rates – stable; predictable vs. volatile;
 - ii) supply and demand – strong investor demand, good liquidity vs. oversold, heavy supply; and
 - iii) changes in law – none vs. recent or anticipated

Bonds may also be sold through a private or limited placement, but only if it is determined that a public offering through either a competitive or negotiated sale is not in the best interests of the university or DSO.

Allocation of Bonds

In the event a negotiated sale by a DSO is determined by the university to be in the university’s best interest, syndicate rules shall be established which foster competition among the syndicate members and ensure that all members of the syndicate have an opportunity to receive a fair and proper allocation of bonds based upon their ability to sell the bonds.

Report on Sale of Bonds / Debt

The university or DSO shall prepare a report on the sale of bonds or anytime it incurs debt. The report shall be prepared and provided to the Board as soon as practicable but in no event later than one month after closing the transaction, in the format and manner provided by the Board, which at a minimum shall include the following:

- a) The amount of the debt.
- b) The interest rate on the debt.
- c) A final debt service schedule or estimated debt service schedule if a variable rate debt or the interest rate is subject to adjustment.
- d) Any aspect of the transaction that was different from the transaction submitted for approval.
- e) Itemized list of all fees and expenses incurred on the transaction, including legal fees.
- f) For negotiated sale of bonds:
 - i) the underwriters' spread detailing the management fee;
 - ii) takedown by maturity and aggregate takedown;
 - iii) any risk component and an itemized list of the expense component;
 - iv) orders placed by each underwriter and final bond allocation;
 - iv) total compensation received by each underwriter; and
 - vi) any report or opinion of the financial advisor.
- g) Final official statement for publicly offered bonds.
- h) Bond insurance or any other form of credit enhancement and the terms thereof.
- i) Credit rating reports.

For any project financing approved by the Board on or after November 7, 2012, the university or DSO shall prepare an annual report to the Board and the Division of Bond Finance which updates information provided for the initial approval of the project. The report shall include information relating to the return on investment or internal rate of return for a revenue-generating project or another appropriate quantitative measure for a non-revenue generating project, and any other information as may be required. The format and specific timeframe for reporting shall be as specified by the Chancellor. However, the initial annual report shall be filed no later than November 30 after the project has been placed in service for one full fiscal year.

Selection of Financing Professionals

The use of underwriters for negotiated financings and the use of financial advisors for negotiated and competitive offerings is necessary to assist in the proper structuring and sale of debt. To assure fairness and objectivity in the selection of professionals and to help select the most qualified professional, the selection of underwriters and financial advisors should be accomplished through a competitive selection process. A competitive selection process allows the universities and their DSOs to compare more professionals and obtain the best price and level of service.

V. DISCLOSURE

Primary Disclosure

Universities and DSOs shall use best practices in preparing disclosure documents in connection with the public offer and sale of debt so that accurate and complete financial and operating information needed by the markets to assess the credit quality and risks of each particular debt issue is provided.

The disclosure recommendations of the Government Finance Officers Association’s “Disclosure for State and Local Governments Securities,” and the National Federation of Municipal Analysts’ “Recommended Best Practices in Disclosure for Private Colleges and Universities” should be followed to the extent practicable, specifically including the recommendation that financial statements be prepared and presented according to generally accepted accounting principles.

Continuing Disclosure

DSOs shall fulfill all continuing disclosure requirements set forth in the transaction documents and as required under Rule 15c2-12 of the Securities and Exchange Commission.

VI. POST-ISSUANCE CONSIDERATIONS

Investment of Proceeds of Debt Issued by DSOs

Construction Funds. Funds held for payment of debt service and all other funds held as required by the documents of any financing shall be invested consistent with the terms of the Financing Documents.

Arbitrage Compliance

The university will comply with federal arbitrage regulations. Any arbitrage rebate liabilities should be calculated and funded annually.

Subsequent Events and Amendments

The DBF and Board Office shall be timely notified of any proposed changes in the terms or conditions of debt issued by a university or DSO. No material changes shall be made without specific Board authorization, which may include items such as, but not limited to:

- Extending maturities
- Changes in bond covenants

- Changes in pledged revenues
- Debt acceleration
- Cross default
- Changes to remedies provided to investors
- Variable rate refundings
- Other actions that may reduce debt service coverage or credit ratings
- Termination or modification of swap agreements
- Use of derivatives

VII. EFFECT

The foregoing guidelines shall be effective immediately and may be modified from time to time by the Board as circumstances warrant. The Board has the authority to approve deviations from these Guidelines after considering the facts and circumstances of each case, but any such exception shall comply with state law requirements and shall not establish a precedent applicable to these guidelines or any other financing transaction. The guidelines are intended to apply to all university and DSO debt, and not to adversely affect any university or DSO debt currently outstanding or projects approved by the Board or board of trustees prior to, or existing, as of January 26, 2006.

Authority: Section 7(d), Art. IX, Fla. Const., History: New 4-27-06, Amended 9-16-10, Amended 11-21-13, Amended 9-22-16, Amended 3-23-21, Amended 9-14-22.

REVOLVING LINE OF CREDIT AGREEMENT

THIS **REVOLVING LINE OF CREDIT AGREEMENT** ("Agreement") is made this _____ day of _____, 2026 ("Effective Date") by and between the **UNIVERSITY OF WEST FLORIDA BOARD OF TRUSTEES**, a public body corporate of the State of Florida, for and on behalf of its Department of Athletics (the "University"), and the **UNIVERSITY OF WEST FLORIDA FOUNDATION, INC.**, a Florida non-profit corporation (the "Foundation").

RECITALS:

- A. The Foundation is a direct-support organization of the University pursuant to Section 1004.28, Florida Statutes, that is organized and exists for the exclusive benefit of the University.
- B. In support of University, the Foundation will make available to the University a loan in the form of a line of credit facility for the following purpose: UWF Football Stadium.
- C. The University and the Foundation desire to memorialize the terms of the line of credit by executing this Agreement.
- D. The University has identified legally permissible funding sources to repay sums borrowed from the line of credit by the University and has approved repayment of the line of credit from such sums. The sources of funds identified include donations, non-state revenues from stadium activities, rental fees to outside users of the facility, and other legal revenues available subject to approvals as required by law or applicable Board of Governor's regulations.

AGREEMENT:

In consideration of the foregoing Recitals and for other good and valuable consideration, the Foundation and the University agree as follows:

1. CREDIT LINE

Subject to the terms and conditions of this Agreement and in reliance upon the representations and warranties of the University set forth in this Agreement, the Foundation hereby establishes a revolving line of credit (the "Credit Line") for the University in the principal amount of Twenty Million and No/100 Dollars (\$20,000,000.00) (the "Credit Limit") for a period of 10 years (120 months) from and after the Effective Date (the end of such period, the "Maturity Date").

2. EVIDENCE OF INDEBTEDNESS

The University will execute and deliver to the Foundation a Promissory Note (“Note”) evidencing the Credit Line. The University agrees to repay the indebtedness evidenced by the Note in accordance with the terms thereof and the terms hereof. Principal and interest shall be due and payable as set forth in the Note. All sums advanced on the Credit Line or pursuant to the terms of this Agreement (each, an “Advance”) shall become part of the principal of the Note.

3. ADVANCES

Any request for an Advance may be made from time to time and in such amounts as the University may choose, provided, however, any requested Advance will not, when added to the outstanding principal balance of all previous Advances, exceed the Credit Limit. Requests for Advances must be made in writing, delivered to the Foundation, by an officer of the University authorized by it to request such advances. Until such time as the Foundation may be notified otherwise, the University hereby authorizes its Vice President for Administration and Finance to request Advances. For each properly requested Advance, the Foundation will advance an amount equal to the requested Advance amount. The Foundation may refuse to make any requested Advance if an event of default has occurred and is continuing hereunder either at the time the request is given or the date the Advance is to be made, or if an event has occurred or condition exists which, with the giving of notice or passing of time or both, would constitute an event of default hereunder as of such dates.

4. INTEREST; REPAYMENT

Interest at the rate of four percent (4.0%) per annum as specified in the Note on the then outstanding principal balance shall be payable on a semiannual basis commencing 30 days after the Effective Date and continuing thereafter. The entire unpaid principal balance, together with any accrued interest, shall be due and payable on the Maturity Date.

Payment shall be made to the Foundation at such place as the Foundation may, from time to time, designate in lawful money of the United States of America. All payments received hereunder shall be applied as follows: first, to any late charge; second, to any costs or expenses incurred by the Foundation in collecting such payment or to any other unpaid charges or expenses due hereunder; third, to accrued interest; fourth, to principal; and fifth, the balance, if any, to such person entitled thereto; provided, however, upon occurrence of an Event of Default, the Foundation may, in its discretion, change the priority of the application of payments as it deems appropriate.

The University and/or the UWF Foundation may prepay principal and/or interest at any time without penalty.

Upon the occurrence of an Event of Default hereunder, the Interest Rate shall continue at the rate of four percent (4%) per annum until the Credit Line has been repaid in full and all of the University’s other obligations to the Foundation hereunder have been fully paid and discharged.

5. UNIVERSITY'S REPRESENTATIONS AND WARRANTIES

As an inducement to the Foundation to execute this Agreement, the University represents and warrants to the Foundation the truth and accuracy of the following:

(a) The University is a public body corporate under the laws of the State of Florida.

(b) The execution, delivery and performance of this Agreement and the issuance, delivery and payment of the Note have been duly authorized by all necessary action of the University.

(d) The execution, delivery, and performance by the University of this Agreement do not and will not (i) violate any applicable law, the formation documents of the University, or any order, judgment or decree of any court or other governmental agency binding on the University; (ii) conflict with, result in a breach of or constitute (with the giving of notice or the passage of time or both) a default under any contractual obligation of the University; or (iii) result in or require the creation or imposition of any lien of any nature on the University's properties or assets.

(e) The execution, delivery and performance by the University of this Agreement does not and will not require any consent or approval of, or notice to any governmental agency or other entity, except the University.

(f) The Note is the legally valid and binding obligation of the University enforceable against the University in accordance with its respective terms, except as enforcement may be limited by bankruptcy, insolvency, reorganization, moratorium, or similar laws relating to or limiting creditors' rights generally.

(g) There is no action, suit, proceeding or arbitration pending or, to the University's knowledge, threatened in writing against or affecting the University or affecting any properties of the University that might materially and adversely affect the Foundation's rights or remedies under this Agreement, the business, assets, operations or financial condition of the University or the University's ability to perform its obligations, and there are no outstanding judgments against the University.

(h) There is no action, suit, proceeding or arbitration pending or, to the University's knowledge, threatened in writing against or affecting the University, that might materially and adversely affect the Foundation's rights or remedies under this Agreement, the business, assets, operations or financial condition of the University, or the University's ability to perform its obligations under this Agreement.

(i) The University has not filed or been the subject of any bankruptcy, insolvency, reorganization, dissolution or similar proceeding or any proceeding for the appointment of a receiver or trustee for all or any substantial part of its property. The University has not admitted in writing its inability to pay its debts when due, made an assignment for the benefit of creditors or taken other similar action.

(j) No default by the University exists under any contractual obligation of the University that would have a material adverse effect on the University's ability to repay the any sum borrowed under the Credit Line or to perform its obligations under this Agreement.

(k) No representation or warranty of the University contained in this Agreement contains any untrue statement of a material fact or omits to state a material fact necessary in order to make the statements contained herein not misleading.

6. UNIVERSITY'S COVENANTS

(a) Until the Maturity Date, the University shall perform all of the covenants in this Article 6.

(b) The University will comply with all laws applicable to the University.

(c) The University will promptly notify the Foundation of any action, suit, proceeding or arbitration commenced or threatened against the University. The University will deliver to the Foundation copies of all notices and other information in connection with any action, suit, proceeding or arbitration promptly upon receipt or transmittal thereof.

(d) Until the Maturity Date, the representations and warranties set forth in Article 6 shall remain true and complete as and when made. In the event any such representation or warranty is no longer true as of a later date, the University covenants to take such corrective action as may be necessary in order to cure such defect in the representation or warranty.

7. EVENTS OF DEFAULT; REMEDIES

(a) The occurrence of any of the following events shall constitute an Event of Default under this Agreement:

(i) The University's failure to pay (i) any principal or interest due under this Agreement when such principal or interest is due.

(ii) The University's failure to perform or comply with any term, obligation, or condition contained in this Agreement, other than those terms, obligations and conditions otherwise referred to in this Article 7 within thirty (30) days after the delivery of written notice from the Foundation of such failure; provided that if such default is not reasonably capable of being cured within such thirty (30) day period, such failure shall not constitute an Event of Default so long as the University commences the cure of such default within such thirty (30) day period and diligently prosecutes such cure to completion after such written notice from the Foundation, subject to force majeure.

(iii) Any representation, warranty, certification or other written statement made by the University in this Agreement shall be materially false or misleading.

(iv) A case is commenced against or by the University under any applicable bankruptcy, insolvency or other similar law now or hereafter in effect; or a decree or order of a court for the appointment of a receiver, liquidator, sequestrator, trustee, custodian or other officer having similar powers over the University or over all or a substantial part of the University's property, shall be entered.

(b) Upon the occurrence of any Event of Default:

(i) automatically without notice to the University as to Article 7(a)(iv), and otherwise at the option of Foundation upon written notice to the University as to any other Event of Default, the unpaid principal balance of the Credit Line, together with accrued interest, shall become immediately due and payable, without presentment, demand, protest, further notice or other requirements of any kind, all of which are hereby expressly waived by the University; and

(ii) at the option of the Foundation, extend the term of repayment or revise the payment plan.

9. MISCELLANEOUS PROVISIONS

(a) The Foundation will not assign its rights and delegate its obligations under this Agreement and will not assign to any entity all or any part of the Credit Line or any interest in this Agreement or in the Note without the University's prior express consent to such assignment. To the extent of any permitted assignment, the Foundation shall be relieved of its obligations with respect to this Agreement and the assignee shall have the same rights, benefits and obligations as it would if it were the Foundation hereunder and a holder of the Note.

(b) The University agrees to pay, within ten (10) days after demand by the Foundation, all reasonable costs and expenses incurred by the Foundation in connection with the enforcement of any of the Foundation's rights and remedies under this Agreement, or the collection of any payment owing to the Foundation hereunder.

(c) The sums payable by the University pursuant to the Note shall be paid without notice, demand, counterclaim, setoff, deduction or defense and without abatement, suspension, deferment, diminution or reduction.

(d) This Agreement may only be modified in writing signed by all of the parties hereto or their respective successors and assigns. No waiver of any provision of this Agreement, or consent to any departure by the University therefrom, shall in any event be effective without the written agreement of the Foundation. Any waiver or consent shall be effective only in the specific instance and for the specific purpose for which it was given. No notice to or demand on the University in any case shall entitle the University to any other or further notice or demand in similar or other circumstances.

(e) Any notice, or other document or demand required or permitted under this Agreement shall be in writing addressed to the address set forth below and shall be deemed delivered upon the earliest of (a) actual receipt, (b) the next Business Day after the date when sent by recognized overnight courier, or (c) the date of addressee's receipt when sent by registered or certified mail, postage prepaid. Any party may, from time to time, change the address at which such written notice or other documents or demands are to be sent, by giving the other party written notice of such change in the manner hereinabove provided.

To University:

Attn: Office of the General Counsel
11000 University Parkway
Pensacola, Florida 32514

To Foundation:

Attn: Tori Bennett, President
11000 University Parkway, Building 12
Pensacola, Florida 32514

(f) All agreements, indemnities, representations and warranties made in this Agreement shall survive the execution of this Agreement and the execution and delivery of the Note.

(g) No failure or delay on the part of the Foundation or any holder of the Note or portion thereof in the exercise of any power, right or privilege hereunder or under the Note shall impair such power, right or privilege or be construed to be a waiver of any default or acquiescence therein, nor shall any single or partial exercise of any such power, right or privilege preclude other or further exercise thereof or of any other right, power or privilege. All rights and remedies existing under this Agreement are separate, distinct and cumulative to, and not exclusive of, any rights or remedies otherwise available at law or in equity. No act of the Foundation shall be construed as an election to proceed under any one provision to the exclusion of any other provision.

(h) If any term of this Agreement or the application thereof to any person or circumstances, shall, to any extent, be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby, and each term of this Agreement shall be valid and enforceable to the fullest extent.

(i) The Article headings in this Agreement are included for convenience of reference only and shall not constitute a part of this Agreement for any other purpose or be given any substantive effect.

(j) The Recitals to this Agreement are incorporated herein and therein and made a part hereof and thereof.

(k) This Agreement shall be governed by and construed and enforced in accordance with the laws of Florida.

(l) This Agreement is binding upon and shall inure to the benefit of the Foundation and University and their respective successors and assigns.

(m) This Agreement may be executed in any number of counterparts, each of which when so executed and delivered shall be deemed to be an original and all of which counterparts taken together shall constitute but one and the same instrument.

(n) This Agreement and the Note set forth the entire understanding between the University and the Foundation relative to the Credit Line and the same supersede all prior agreements and understandings relating to the subject matter hereof or thereof.

(o) Time is of the essence of this Agreement.

(p) This Agreement is made and entered into for the sole benefit of the Foundation and the University, and no other person or entity is a direct or indirect beneficiary of, or shall have any direct or indirect cause of action or claim in connection with this Agreement.

(q) The University and the Foundation shall allow public access to all documents, papers, letters, or other material subject to the provisions of Chapter 119, Florida Statutes, and made or received in conjunction with this Agreement and the Note to the full extent required by said Chapter and section 1004.28, Florida Statutes.

IN WITNESS WHEREOF, this Agreement has been duly executed and delivered by the University and the Foundation as of the date first above written.

UNIVERSITY OF WEST FLORIDA
FOUNDATION, INC.

UNIVERSITY OF WEST FLORIDA
BOARD OF TRUSTEES

By: _____
TORI BENNETT
Its: President

By: _____
REBECCA MATTHEWS
Its: Chair

LINE OF CREDIT
NONRECOURSE PROMISSORY NOTE

\$20,000,000.00

_____, 2026
Pensacola, Florida

FOR VALUE RECEIVED, the undersigned, **University of West Florida Board of Trustees**, a public body corporate of the State of Florida (“Borrower”), promises to pay to the order of **University of West Florida Foundation, Inc.**, a Florida non-profit corporation and direct-support organization of The University of West Florida (“Lender”), its successors or assigns, with an address of 11000 University Parkway, Pensacola, Florida 32514, the principal sum of TWENTY MILLION and No/100 Dollars (\$20,000,000.00) (“Maximum Loan Amount”), or so much of the Maximum Loan Amount as may be advanced by Lender from time to time, payable in lawful money of the United States of America, at the address listed or at such other place as the holder hereof may designate in writing.

This Promissory Note (the “Note”) shall be governed by the following provisions:

1. Interest Rate. The principal balance of the Note outstanding from time to time shall bear interest at the rate of four percent (4.0%) per annum.

3. Payment Schedule.

(a) Interest: On July 1, 2026, and semiannually (twice per year – on July 1 and January 1) thereafter for ten (10) years, Borrower shall pay to Lender interest accrued during the then completed calendar two quarters based on the daily principal balance.

(b) Principal: On January 1, 2036 (“Maturity Date”), Borrower shall pay to Lender in full the entire outstanding principal balance, together with any and all remaining accrued interest thereon.

(c) Partial Calendar Quarters: Lender and Borrower may modify the semiannual interest payment dates and principal payment date set forth herein for the purpose of synchronizing Borrower payments with the first day of a month.

4. Prepayment. This Note may be prepaid in full or in part at any time before the Maturity Date without penalty.

5. Non-Recourse Loan. The loan evidenced by this Note is non-recourse in nature.

6. Waivers; Consents. Each maker, endorser and guarantor of this Note waives presentment, demand, protest and notice of maturity, and all requirements necessary to hold each of them liable as makers, endorsers and guarantors. It is agreed that each maker, endorser and guarantor, jointly and severally, consents to any extensions or renewals or modifications of this Note, or any part hereof, without notice, and agrees that it will remain liable as such during any extension or renewal or modification hereof until the debt represented hereby is fully paid.

7. Costs of Collection. Each maker, endorser and guarantor, jointly and severally, shall pay all costs of collection, including a reasonable attorney's fee, on failure to pay the principal of this Note or any interest thereon at maturity whether suit be brought or not.

8. Interest After Default. This Note and all sums due hereunder shall bear interest from the date when due until paid at the rate of four percent (4%) per annum.

9. Revolving Line of Credit Agreement. Lender and Borrower have executed a Revolving Line of Credit Agreement contemporaneous with this Note that sets forth additional terms governing Lender's loan to Borrower, including, *inter alia*, the purpose of the loan, application for loan advances, application of payments, Borrower warranties and covenants, and default remedies.

10. Governing Law. This Note shall be construed according to the laws of Florida.

University of West Florida Board of Trustees

By: _____
Rebecca Matthews, Its Chair

**Board of Trustees
Full Board Meeting
February 12, 2026****President's Performance Goals**

Recommended Action:

Approve Performance Goals for current fiscal year.

Background Information:

As indicated in Section 4.2 of the President's employment agreement, the annual goals and objectives shall be presented to the Board for discussion and approval.

Implementation Plan:

Upon approval, develop action plans with key milestones, conducting periodic reviews to gauge progress and make revisions as necessary.

Fiscal Implications:

Achievement of the annual goals and objectives set pursuant to Section 4.2 of the employment agreement shall be considered for eligibility of the annual performance compensation bonus.

Relevant Authority:

Board of Governors Policy 1.001 (5)(f) – University Board of Trustees Powers and Duties

Supports Strategic Direction(s):

Supports all seven strategic directions.

Supporting Documents:

1. Board of Governors Policy 1.001 (5)(e-f) – University Board of Trustees Powers and Duties
2. Proposed President's Goals

Prepared by:

Kristie Johnson, BOT liaison, kjohnson8@uwf.edu

Presenter:

President Manny Diaz, Jr., mdiaz1@uwf.edu

1.001 UNIVERSITY BOARD OF TRUSTEES POWERS AND DUTIES

(1) Pursuant to Article IX, section 7(c), Florida Constitution, the Board of Governors shall establish the powers and duties of the board of trustees as set forth herein.

(2) Composition of Boards; Membership and Organization.

(a) Each university shall be administered by a board of trustees, consisting of thirteen members dedicated to the purposes of the State University System. Each university board of trustees includes six members appointed by the Governor and five members appointed by the Board of Governors, all of whom must be confirmed by the Senate. All trustees are required to attend an orientation session, preferably prior to service on the university board. The chair of the faculty senate, or the equivalent, and the president of Student Government, or the equivalent, are also members. Board of trustee members shall serve staggered terms of five years, except for the faculty and student representatives who shall serve for the duration of the term of their respective elected offices. All members are public officers subject to the requirements of the Florida Code of Ethics.

(b) Each board of trustees shall select its chair and vice chair from the appointed members. Each chair shall serve for two years and may be reelected for one additional consecutive two-year term. The duties of the chair shall include presiding at all meetings of the board of trustees, calling special meetings of the board of trustees, attesting to actions of the board of trustees, and notifying the Board of Governors in writing whenever a board member fails to attend three consecutive regular board meetings in any fiscal year, which failure may be grounds for removal.

(c) Members of the boards of trustees shall receive no compensation but may be reimbursed for travel and per diem expenses as provided in s. 112.061, Florida Statutes.

(d) Each board of trustees shall establish the powers and duties of the university president.

(e) Each board of trustees is authorized to adopt a corporate seal, to contract and be contracted with, to sue and be sued, to plead and be impleaded in all courts of law and equity, and to give and receive donations. In all suits against the board of trustees, service of process shall be made on the chair of the board of trustees or, in the absence of the chair, on a university designee.

(f) Each board of trustees shall be primarily acting as an instrumentality of the state pursuant to s. 768.28, Florida Statutes, for purposes of sovereign immunity.

(g) Each board of trustees is subject to the public records and open meetings requirements set forth in Article I, section 24 of the Florida Constitution and laws implementing that section.

(3) University Administration and Oversight.

(a) Each board of trustees shall be responsible for the administration of its university in a manner that is dedicated to, and consistent with, the purposes of the State University System as defined by the Board of Governors.

(b) Each board of trustees may establish committees of the board that will be responsible for reviewing and making recommendations to the board on matters

pertaining to academic and student affairs, strategic planning, finance, audit, property acquisition and construction, personnel, and budgets.

(c) Each board of trustees shall adopt a strategic plan in alignment with the Board of Governors' systemwide strategic plan and regulations. University strategic plans shall be submitted to the Board of Governors for approval.

(d) Each board of trustees shall enter into a multi-year compact with the Board of Governors that outlines its university's top priorities, strategic directions, and specific actions and financial plans for achieving those priorities, as well as performance expectations and outcomes on institutional and systemwide goals. The compact shall reflect the university's distinctive mission and focus on core institutional strengths within the context of State University System goals and regional and statewide needs.

(e) Each board of trustees shall maintain an effective information system to provide accurate, timely, and cost-effective information about the university, and shall ensure that all data and reporting requirements of the Board of Governors are met.

(f) Each board of trustees is authorized to secure comprehensive general liability insurance.

(g) Each board of trustees may provide for payment of the cost of civil actions against officers, employees, or agents of its board.

(h) Each board of trustees is authorized to promulgate university regulations in accordance with the Regulation Development Procedure adopted by the Board of Governors.

(i) Each board of trustees may govern traffic on the grounds of the university, and in accordance with any mutual aid agreements entered into with other law enforcement agencies.

(j) Each board of trustees shall be responsible for campus safety and emergency preparedness, to include safety and security measures for university personnel, students, and campus visitors.

(k) Each board of trustees is authorized to create divisions of sponsored research and establish policies regulating the administration and operation of the divisions of sponsored research in accordance with regulations of the Board of Governors.

(4) Academic Programs and Student Affairs.

(a) Each board of trustees shall develop university regulations and be responsible for, in accordance with Board of Governors regulations, areas including, but not limited to:

- (i) authorization and discontinuance of degree programs;
- (ii) articulation and access;
- (iii) admission and enrollment of students;
- (iv) academic performance standards for the award of a degree or certificate;
- (v) student financial assistance;
- (vi) student activities and organizations;
- (vii) student records and reports;
- (viii) antihazing, related penalties, and program for enforcement;
- (ix) reasonable accommodation of religious observances; and
- (x) uniform student code of conduct and related penalties.

(b) Each board of trustees shall establish a committee to periodically review and evaluate the student judicial system. At least one-half of the members of the committee shall be students appointed by the student body president.

(c) Each board of trustees shall approve the internal procedures of student government organizations.

(d) Each board of trustees shall be expected to establish appropriate university regulations pertaining to academic and student affairs in accordance with any future Board of Governors' regulation development or amendment.

(5) Personnel.

(a) Each board of trustees shall establish the personnel program for all the employees of the university, including the president.

(b) Each board of trustees shall act as the sole public employer with regard to all public employees of its university for the purposes of collective bargaining. To the extent allowed by law, university employees shall continue to participate in the state group insurance program and the state retirement systems.

(c) Each board of trustees shall select its university president subject to ratification of the candidate by the Board of Governors. A presidential search committee shall be appointed to make recommendations to the full board of trustees, from which the board of trustees may select a candidate for ratification by the Board of Governors. Two members of the Board of Governors shall be appointed by the Chair of the Board of Governors to the presidential search committee. Each candidate selected by the board of trustees must appear before the Board of Governors at the meeting where ratification of the candidate will be considered.

(d) Each board of trustees shall select any interim or acting president subject to ratification of the candidate by the Board of Governors. Each candidate selected by the board of trustees must appear before the Board of Governors at the meeting where ratification of the candidate will be considered.

(e) Each board of trustees shall develop guidelines for the annual evaluation of the president in conjunction with the Board of Governors.

(f) Each board of trustees shall conduct an annual evaluation of the president. The chair of the board of trustees shall request formal input from the Chair of the Board of Governors and the Chancellor during the annual evaluation process pertaining to responsiveness to the Board of Governors' strategic goals and priorities, and compliance with systemwide regulations.

(6) Financial Management.

(a) Each board of trustees shall be responsible for the financial management of its university and shall submit an institutional budget request, including a request for fixed capital outlay, and an operating budget to the Board of Governors for approval in accordance with the guidelines established by the Board of Governors.

(b) Each board of trustees shall establish tuition and fees in accordance with regulations established by the Board of Governors.

(c) Each board of trustees shall establish waivers for tuition and fees pursuant to regulations established by the Board of Governors.

(d) Each board of trustees shall engage in sound debt management practices for the issuance of debt by the university and its direct support organizations, and shall comply with the guidelines established by the Board of Governors in connection with the authorization, issuance and sale of university and direct support organization debt.

(e) Each board of trustees shall account for expenditures of all state, local, federal, and other funds in accordance with guidelines or regulations established by the Board of Governors, and as provided by state or federal law.

(f) Each board of trustees may enter into agreements for, and accept, credit card payments as compensation for goods, services, tuition, and fees.

(g) Each board of trustees shall establish policies and procedures for the performance of annual internal audits of university finances and operations. All reports generated from such audits must be submitted to the Board of Governors after review by the board of trustees.

(h) Each board of trustees and each direct support organization shall submit annual financial statements to the Board of Governors.

(7) Property and Purchasing.

(a) Prior to acquiring any real property, whether by purchase, donation or gift, for the establishment of an instructional or research site, each board of trustees must obtain approval for acquisition from the Board of Governors.

(b) Each board of trustees shall have the authority to acquire real and personal property and contract for the sale and disposal of same, and approve and execute contracts for purchase, sale, lease, license, or acquisition of commodities, goods, equipment, contractual services, leases of real and personal property, and construction. The acquisition may include purchase by installment or lease-purchase. Such contracts may provide for payment of interest on the unpaid portion of the purchase price. Real property acquired with private institutional funds shall be titled in the name of the university board of trustees on behalf of the State University System.

(c) With respect to real property to be acquired with state funds, each board of trustees may, with the consent of the Board of Trustees of the Internal Improvement Trust Fund, sell, convey, transfer, exchange, trade, or purchase real property and related improvements necessary and desirable to serve the needs and purposes of the university.

(d) Each board of trustees may exercise the right of eminent domain pursuant to the provisions of chapter 1013, Florida Statutes.

(e) Each board of trustees shall be responsible for the use, maintenance, protection, and control of the university-owned or university-controlled buildings and grounds, property and equipment, name trademarks and other proprietary marks, and the financial and other resources of the university.

(f) With respect to any funds or real or personal property designated by will, deed, agreement, or court appointment to be held in trust for the benefit of the university, or its students, faculty members, officers, or employees, or otherwise, or for any educational purpose, a university board of trustees is authorized to act as trustee with full legal capacity as trustee to administer such trust property, and the title thereto shall vest in the board of trustees as trustee. In all such cases, the university board of trustees shall have the power and capacity to do and perform all things as fully as any individual trustee or other competent trustee might do or perform, and with the same rights, privileges, and

duties including the power, capacity, and authority to convey, transfer, mortgage, or pledge such property held in trust and to contract and execute all other documents relating to said trust property which may be required for or appropriate to the administration of such trust or to accomplish the purposes of any such trust. Nothing herein shall be construed to authorize a board of trustees to contract a debt on behalf of, or in any way to obligate, the state; and the satisfaction of any debt or obligation incurred by the board as trustee under the provisions of this section shall be exclusively from the trust property, mortgaged or encumbered.

(8) Miscellaneous Powers and Duties.

(a) Each board of trustees is authorized to form such corporate entities as are necessary to establish and maintain faculty practice plans for the collection, distribution, and regulation of fees generated by faculty members engaged in the provision of healthcare services to patients as an integral part of their academic activities and employment as faculty. Each such faculty practice plan must be adopted by the board of trustees in accordance with regulations of the Board of Governors and approved by the Board of Governors.

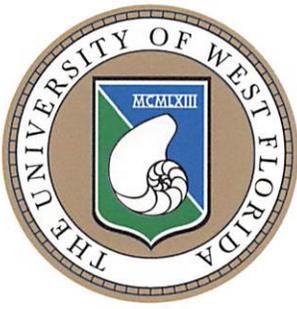
(b) Each board of trustees is authorized to establish direct support organizations and university health services support organizations to use university property and services in accordance with regulations of the Board of Governors.

(c) Each board of trustees may develop and produce work products relating to educational endeavors that are subject to trademark, copyright, or patent statutes.

(d) Each board of trustees is responsible for compliance with all applicable laws, rules, regulations, and requirements.

(e) Each board of trustees shall perform such other duties as provided by the Board of Governors.

Authority: Section 7(c), Art. IX, Fla. Const.; History: Resolution 1-07-03,



Proposed President's Goals

- Oversee the achievement of expanding and meeting the goal of the “Here For Good” campaign to \$100 Million.
- Oversee and implement a comprehensive University brand audit and refresh.
- Double the number of Talent Catalyst internship partners from 7 to 14.
- Oversee and implement the groundbreaking and construction of the new football stadium to include general event space for the University.
- Improve campus appearance and enhance student areas to include new a new student union patio and refurbished Cannon Green.
- Explore and propose P3 opportunities for the University to expand housing and new retail entertainment facilities.
- Establish a center for civic literacy and increased civil discourse engagement.
- Expand and implement a state and federal advocacy program with emphasis on combined and expanded funding opportunities.
- Establish the Office of Military Services to better serve active military, veterans, and military families under the Office of the President
- Under the current Florida SUS Performance-Based Funding model, UWF's overall metric score for the 2025-2026 performance year is at least 90.
- Achieve an increase in overall research expenditures from FY 2024 to FY 2025, as reported by the NSF HERD Survey
- Grow and sustain UWF's total fall semester student enrollment to more than 15,000 students.



**Board of Trustees
Full Board Meeting
February 12, 2026**

Hire Vice President, Division of Academic Engagement and Student Affairs

Recommended Action:

Approve hiring for the position of Vice President of the Division of Academic Engagement and Student Affairs.

Background Information:

The previous Vice President of the Division of Academic Engagement and Student Affairs resigned his position in July 2025. Dr. Mary Anderson was appointed Interim Vice President of the Division of Academic Engagement and Student Affairs effective July 14, 2025, and continues to effectively serve in this role. The candidate will be a member of the Cabinet and report to the President.

Implementation Plan:

The candidate has been serving in the Interim Vice President role since July 14, 2025, with a permanent promotion pending approval of the Board of Trustees. This will allow for continuity in the Division of Academic Engagement and Student Affairs.

Fiscal Implications:

Salary = \$227,00

Fringe = \$101,012

Cell Phone Allowance = \$75/pay period (\$1,957.50 annually)

Annual incentive payment of up to 15% of base salary based at President's discretion

Relevant Authority:

Florida Statute, 1001.741, requires that the President's executive management team must come before the Board of Trustees for approval before the onboarding process can begin, including a tentative offer letter.

Supports Strategic Direction(s):

Strategic Direction 2: Employee Success

Supporting Documents:

1. Applicant's Resume
2. Applicant's Offer Letter
3. Vice President, Division of Academic Engagement and Student Affairs Job Description

Prepared by:

Jamie C. Sprague, Sr. Associate Vice President/CHRO, jsprague@uwf.edu

Presenter:

Manny Diaz, Jr., President

MARY E. ANDERSON, PH.D.

EDUCATION

Doctor of Philosophy, Higher Education Administration University of North Carolina at Greensboro, Greensboro, NC	August, 2016
Master of Education, College Student Affairs University of South Florida, Tampa, Florida	May, 2001
Bachelor of Arts, Communication Arts University of West Florida, Pensacola, Florida	April, 1994

PROFESSIONAL EXPERIENCE

Interim Vice President & Dean of Students <i>University of West Florida, Pensacola, Florida</i>	July, 2025 - Present
<ul style="list-style-type: none">• Serve as a member of the President's Cabinet, advising on institution-wide strategy, student engagement and success priorities and operational decision-making.• Provide executive leadership for a complex, multi-unit Student Affairs division, aligning divisional goals with presidential priorities, Board of Trustees expectations, and Board of Governors requirements during a transitional period, maintaining operational stability while advancing strategic priorities.• Provide executive oversight and fiscal stewardship of an approximately \$25 million operating budget, encompassing state, auxiliary, foundation, and student fee funding sources, ensuring compliance, and alignment with institutional strategic priorities.• Partner closely with student leaders to ensure student voice and perspectives are incorporated into current decision-making and long-range planning, strengthening transparency and shared governance across the institution.• Direct and oversee critical student safety, wellbeing, and crisis response functions, ensuring coordinated decision-making, compliance, and timely executive communication.• Collaborate extensively with faculty, academic leadership, and university partners to address student issues, align academic and co-curricular priorities, and advance shared institutional goals through coordinated planning and communication.• Guide senior leadership team through organizational change, restructuring, and role realignment to improve efficiency and service delivery to students.• Provide direct leadership and mentorship to senior directors, fostering a culture of professional growth and results-oriented performance.• Lead policy development and interpretation in high-risk and high-visibility areas, ensuring compliance and institutional risk mitigation.	
Associate Vice President & Dean of Students <i>University of West Florida, Pensacola, Florida</i>	July, 2022 - July, 2025
<ul style="list-style-type: none">• Served as a member of the Vice President for the Division of Academic Engagement and Student Affairs Cabinet, providing executive leadership in Student Affairs• Provided strategic direction to several departments including the Dean of Students Office, the University Commons and Events Services, Housing and Residence Life, Counseling and Psychological Services, and Student Engagement• Developed programs and services that create a culture of care on campus, promoting the overall health and wellbeing of UWF students• Worked closely with students to address concerns, resolve complex issues, and support individual success, serving as a visible, accessible leader within the university community.• Provided leadership, direction and support in matters relating to divisional planning and assessment, strategic initiatives, crisis management, professional development, human resources, and student issues• Managed budgets in excess of \$5 million consisting of state and foundation funds as well as student fees• Chaired the Campus Care Team, a multidisciplinary team focused on reviewing critical cases of student behavior and providing consultation and recommendations to University faculty, staff, and administrators• Developed, implemented, and interpreted regulations and policies for specified areas of responsibility• Conducted necessary research and make appropriate recommendations for improvement of procedures and operations• Represented the Division of Academic Engagement and Student Affairs on the Provost's Council, University-wide committees and at community events	

wide or local community disaster

- Coached students through university processes such as sexual misconduct, course withdrawals, financial aid appeals, faculty/staff grievances, grade appeals, and refund policies
- Coordinated the UNCG Cares and Students Helping Students programs, educating faculty, staff and students how to recognize signs of distress in students and make appropriate referrals to campus resources.
- Provided training and consultation to faculty and staff regarding students in distress, managing classroom behavior, academic integrity, first-generation college students, and the student code of conduct
- Oversaw assessment planning, training, implementation, and evaluation for the Dean of Students Office
- Served as Hearing Officer for panel hearings including cases of sexual misconduct, dating violence and academic integrity
- Created and implemented the annual Crisis Management Networking Luncheon to introduce community mental health providers and other partners to the University's crisis management process
- Investigated discrimination and harassment complaints against students
- Reviewed applicants who may pose a threat or concern to the University and provide an admission recommendation to Undergraduate Admissions, the Graduate School and the Division of Continual Learning

Assistant Dean of Students

April, 2009 – April, 2012

University of North Carolina at Greensboro, Greensboro, North Carolina

- Served as the student affairs case manager responsible for monitoring progress of students with mental health concerns
- Co-created and implemented university case management procedures in Fall of 2009 in partnership with the case manager of the Counseling Center
- Counseled students in distress and referred to appropriate resources
- Served in on-call duty rotation as the campus crisis manager
- Coached students through university processes such as sexual misconduct, course withdrawal, financial aid appeal, faculty/staff grievances, grade appeal, and refund policies
- Provided training and consultation to faculty and staff regarding students in distress, classroom disruptions, academic integrity, and the student code of conduct
- Supervised graduate intern responsible for Students Managing Academic Recovery Tasks (SMART) Planning within the Dean of Students Office
- Managed assessment planning, training, implementation, and evaluation for the Dean of Students Office
- Served as Hearing Officer for administrative conduct hearings
- Created Dine with the Deans to aid in the retention of first year students
- Oversaw the operations of the Spartan Adult Resource Area including supervision of one graduate assistant, 4 student employees and 4 volunteers
- Provided advocacy and outreach to students, families, faculty and staff through presentations, training and individual consultation

University Judicial Officer

September, 2006 – April, 2009

San Diego State University, San Diego, California

- Served on the University's Critical Incident Management Team
- Investigated reports of alleged misconduct, maintaining specific responsibilities for Greek and off-campus conduct
- Conducted informal judicial conferences and imposed administrative sanctions and educational stipulations
- Represented the university at formal judicial hearing proceedings
- Worked directly with the California State University's Office of General Counsel
- Supervised one graduate assistant
- Presented workshops to students, faculty, staff, and parents on the Student Code of Conduct

Assistant Property Manager / Leasing Consultant

November, 2005 – August, 2006

Equity Residential Properties and Trust, Atlanta, Georgia

- Assisted in management of a 437-unit multi-family housing community
- Oversaw all accounting functions regarding resident accounts
- Addressed resident concerns and maintenance issues
- Leased apartments using the Action Selling Sales Program
- Actively communicated and interacted with residents in an effort to increase resident retention

Associate Director of Student Judicial Services

May, 2005 – July, 2005

The George Washington University, Washington, District of Columbia

- Managed all judicial case processing and adjudication functions
- Supervised 4 full-time professional staff and one graduate student
- Reviewed and revised office processes to increase efficiency and accuracy
- Assisted in the oversight of the development of the Conflict Resolution Center

University Judicial Officer

March, 2004 – May, 2005

San Diego State University, San Diego, California

- Investigated reports of alleged academic and non-academic misconduct
- Conducted informal judicial conferences and imposed administrative sanctions and educational stipulations
- Represented the university at formal judicial hearing proceedings
- Prepared reports and maintained accurate records of judicial proceedings
- Presented workshops to students, faculty, staff, and parents on the Student Code of Conduct

Resident Director

August, 2003 – December 2003

Semester at Sea, Institute for Shipboard Education, Pittsburgh, Pennsylvania

- Performed resident director duties including community development, conflict mediation, and policy enforcement
- Served as advisor to the student programming board, movie selection committee, and spiritual organizations
- Assisted with gangway safety and security measures during embarkation periods
- Led Semester at Sea sponsored field programs, taking responsibility for all program logistics while in port

Residence Hall Coordinator

July, 2001 – June, 2003

San Diego State University, San Diego, California

- Opened and managed functional operations of a new suite-style residence hall complex housing 684 students
- Selected, trained, supervised, and evaluated 12 resident advisors, 1 residence hall coordinator assistant, 1 student assistant, and 25-30 desk assistants
- Oversaw operation of 24-hour customer service desk and security program
- Acted as first response in duty rotation to crisis situations for all student housing
- Directed residential life staff in the development of educational and social programming

Graduate Resident Director

August, 1999 – May, 2001

University of South Florida, Tampa, Florida

- Coordinated functional operations of one to two residence halls housing 320 – 450 first-year, coeducational residents
- Implemented and supervised First-Year Experience Program, integrating residential and classroom experiences
- Served as a first response to crisis situations while on call 24-hours a day
- Advised the hall council and implemented leadership training for executive board members

Graduate Orientation Resident Director

May, 2000 – August, 2000

University of South Florida, Tampa, Florida

- Created and delivered Residence Life PowerPoint presentation to approximately 1500 visitors at 10 orientations
- Represented the Department of Residence Services at the showcase of student services for 18 orientations
- Communicated with conference staff on room assignments and maintenance concerns

Director of Student Activities / Resident Director

July, 1998 – May, 1999

Andrew College, Cuthbert, Georgia

- Budgeted, planned, promoted, executed, and evaluated social and educational programs for a student body of 300
- Managed a programming budget of \$10,000
- Advised the Student Events and Activities Board
- Supervised functional operations of a residence hall housing 80 female, freshmen and sophomore students
- Advised the Residence Hall Association

Admission Representative

August, 1997 – July, 1998

Andrew College, Cuthbert, Georgia

- Traveled throughout Georgia and Alabama recruiting prospective students
- Conducted campus tours for prospective students and their parents daily
- Coordinated monthly visitation programs for 60 prospective students and their families
- Evaluated high school transcripts and made admission decisions
- Designed and placed recruitment advertisements in newspapers and publications

PROFESSIONAL PRESENTATIONS & PUBLICATIONS

Anderson, M., Barker, R., Carter, B., & Smith, Z. (2019). *Establishing a family assistance center when an unexpected campus crisis hits: Are you prepared?* Presented at the NASPA Annual Conference, Los Angeles, CA.

Anderson, M., Anderson-Isaacson, H., & Bell, D. (2018). Connecting conduct and student mental health. In J. Hudson, A. Acosta, & R. Holmes (Eds). *Conduct and Community: A Residence Life Practitioner's Guide* (pp 170-192). Columbus, Ohio: Association of College & University Housing Officers-International.

Anderson, M., & Medeiros, E. (2018). *Identifying and intervening with students at risk for non-academic reasons*. Frontier Set Webinar.

Anderson, M., Cadenhead, K., Nunez, A., & Stevens, H. (2018). *Are you my mentor? The magic of mentorship early in your student affairs journey*. Presented at the NASPA Annual Conference, Philadelphia, PA.

Anderson, M., & Carter, B. (2016). *Creating a culture of care: An approach to case management*. Presented at the NASPA Annual Conference, Indianapolis, IN.

Anderson, M., & Carter, B. (2016). *Dear colleague: Creative collaboration between the Dean of Students Office & Title IX Coordinator*. Presented at the NASPA Annual Conference, Indianapolis, IN.

Anderson, M., & Carter, B. (2014). *Dear colleague: A Dean of Students Office approach to Title IX compliance*. Presented at the Solving the Campus Sexual Assault and Dating Violence Puzzle Conference, Raleigh, NC.

Anderson, M., & Jodoin, E. (2012). *Postvention on the college campus*. Presented at the Higher Education Case Managers of the Carolinas Annual Conference, Greensboro, NC.

Anderson, M., Jodoin, E., & Northrup, M. (2012). *Making the case for case management: Perspectives from two institutions*. Presented at the NASPA Mental Health Conference, Atlanta, GA.

Anderson, M., Carter, B., & Buchanan, S. (2013). *Hospitalization to graduation: An approach to case management*. Presented at the NASPA Annual Conference, Orlando, FL.

TEACHING EXPERIENCE

Succeed at the G Freshmen Seminar, FYE 101, Instructor, University of North Carolina at Greensboro
Internship in Higher Education, HED 690, Co-Instructor, University of North Carolina at Greensboro
Foundations for Learning, FFL 100, Instructor, University of North Carolina at Greensboro
University Studies 101, Instructor, University of North Carolina Greensboro
Counseling and School Psychology 310, Team Instructor, San Diego State University
University Seminar, Instructor, San Diego State University
University Experience, Co-Instructor, University of South Florida
Resident Assistant Class, Co-Instructor, University of South Florida

AWARDS AND RECOGNITION

UNCG Legacy of Excellence Award, University of North Carolina at Greensboro, 2018
UNCG Staff Excellence Award, University of North Carolina at Greensboro, 2012
Distinguished Service Award, San Diego State University, 2005
National Residence Hall Honorary, San Diego State University, 2003
Advisor of the Year, San Diego State University, 2002
Student Government Association Service Award, Andrew College, 1999

COMMITTEE INVOLVEMENT

AVP/Dean of Students Group State-wide Group, Chair, Florida State University System
Enterprise Risk Management Committee, University of West Florida
Student Life and Services Facility Committee, Chair, University of West Florida
Winter Wellness Symposium, Co-chair, University of California San Diego
Sensitive Issues Response Team, Chair, University of California San Diego
Committee to Support Faculty, Chair, University of California San Diego

Behavioral Threat Assessment and Management Team, Co-chair, University of California San Diego
Academic Partnerships, Chair, University of North Carolina at Greensboro
Committee on International Students and Scholars, University of North Carolina at Greensboro
New Student Convocation Planning Committee, Volunteer Committee Co-chair, University of North Carolina at Greensboro
Division of Student Affairs Student Success Team, University of North Carolina at Greensboro
University-wide First-Year Student Success Team, University of North Carolina at Greensboro
Students First Office Associate Director for Advising Search Committee Chair, University of North Carolina at Greensboro
Division of Student Affairs Assessment Council, University of North Carolina at Greensboro
Service Delivery Team, University of North Carolina at Greensboro
First-Year Task Force Campus-Wide Planning Committee, University of North Carolina at Greensboro
Distance Learning and Student Affairs Planning Committee, University of North Carolina at Greensboro
Bicycle and Pedestrian Safety Committee, University of North Carolina at Greensboro
Student Personnel Association Recruitment Kickoff, University of North Carolina at Greensboro
Critical Incident Management Team, San Diego State University
Alcohol and Other Drug Priority Team, San Diego State University
Greek Prep Committee, San Diego State University

OTHER PROFESSIONAL EXPERIENCE

Promotion Coordinator and Newsroom Assistant November, 1995 – August, 1997
WEAR-TV3, Pensacola Florida

Associate Editor November, 1994 – October, 1995
Gulf Breeze Sentinel, Gulf Breeze, Florida

COMMUNITY SERVICE

Seville Rotary Club of Pensacola, current Treasurer / President-elect August, 2022 - Present
Hospice and Palliative Care of Greensboro July, 2018 – July, 2019
Junior League of Greensboro January, 2010 – July, 2019
Junior League of San Diego May, 2004 – April, 2009
Volunteer San Diego November, 2008 – April, 2009



February 2, 2026

Mary Anderson
University of West Florida
Pensacola, FL 32514

Dear Dr. Anderson:

I am pleased to tentatively offer you the position of Vice President for the Division of Academic Engagement and Student Affairs. This offer is tentative pending the Board of Trustees' approval of your appointment. The effective date of this position will be February 15, 2026, pending approval by the UWF BOT on February 12, 2026.

Your bi-weekly salary will be \$8,697.32, which when annualized is \$227,000. In addition, you will receive a cell phone allowance of \$75 per pay period. You will also be eligible to receive an annual performance incentive payment of up to 15 percent of your base salary for the achievement of performance incentive criteria set by me on an annual basis. During your service, you will also receive all legislatively mandated salary and benefit changes.

As a university executive, you are expected to engage in all activities with a broad view of the University and with an understanding that your success is dependent on the University's ability to provide an infrastructure that ensures the success of all divisions, colleges, and programs.

This position will serve on the President's Cabinet and is designated as Executive Service.

This position will report to me.

In this University Work Force position, your primary duties are to oversee and effectively manage the following departments:

- Career Development and Community Engagement
- Counseling and Psychological Services
- Dean of Students



- Educational Research Center for Child Development
- Housing and Residence Life
- International Affairs
- Office of Design and Communication
- Recreation and Wellness
- Student Accessibility Resources
- Student Engagement
- Student Health Services
- Student Ombuds Office
- Technology and Support Services
- University Commons and Event Services

Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Manny Diaz, Jr.', written in a cursive style.

Manny Diaz, Jr.
President

Vice President 100680

PageUp #: PD-1500

Department: 1450-Human Resources**Action:** --**Approval Date:** --

If you wish to update this Job Description, scroll down to the Approval Workflow and select "Click to Update Job Description" to reopen the fields and launch a new approval request. Fill in all mandatory fields marked with an asterisk.

Position Number: 100680Position: Vice President

Position no: 100680

Division: Div Acad Engag & Stud Affs (DAESA)

Department:

Employee Name:

Supervisor: Manny Diaz

Position #: 100680**Position Title:*** Vice President 100680**Working Title:** Vice President, Division of Academic Engagement and Student Affairs**POSITION DETAILS****Division:*** Div Acad Engag & Stud Affs (DAESA)**Department:*** Academic Engagement VP Office**Work site / location:** PensacolaNumber: 001

Name: Pensacola

City:

State: Florida

Classification:* Vice President Student AffairsClassification: Vice President Student Affairs

Classification Code: 9259

Pay Band: Executive Administration

E Class Description: 10-Executive Service

EEO Skill: 10-Executive Service

Veteran's Preference Eligibility: No

FLSA: Exempt

Minimum Qualifications: Masters degree in an appropriate area of specialization and eight years of appropriate experience; or a bachelors degree in an appropriate area of specialization and ten years of appropriate experience.

Minimum Qualifications:* Masters degree in an appropriate area of specialization and eight years of appropriate experience; or a bachelors degree in an appropriate area of specialization and ten years of appropriate experience.

Position Qualifications: Strong communication, strategic planning, crisis management, and data-driven decision making skills.

Preferred Qualifications:* A terminal degree from an accredited institution with a minimum of eight years of appropriate experience. Significant progressing leadership experience in student affairs administration.

JOB DUTIES

Job Summary:*	The Vice President for the Division of Academic Engagement and Student Affairs is a senior executive officer reporting directly to the President. The Vice President provides strategic leadership and institutional vision for student-focused programs, services, and policies, including student life, career readiness, health and wellness, campus safety, and student engagement. This role collaborates closely with faculty, staff, student leaders, and community partners to strengthen the overall student experience and advance initiatives that support student success. The Vice President works in close partnership with the Provost and Academic Affairs to align curricular and co-curricular efforts in support of the University's mission. The position plays a critical role in guiding the student experience, particularly during periods of institutional transition or leadership change.
Marginal Functions:*	Substantial administrative experience in higher education. Strong skills in leading complex strategic initiatives. This position ensures compliance with institutional goals.
Is this position designated as essential for University closings, emergencies, unscheduled closings?:*	<input checked="" type="radio"/> Yes <input type="radio"/> No
Daily Hours (from-to):*	8am-5pm
Total Hours per Week:*	40+
Explain variations in the workweek:	This position may be required to work after hours for a University crisis, closing, natural disaster, etc. This position may need to attend events and other activities supporting the University.
Describe the types of decisions that are made in the position:*	Through frequent contact and exposure to programs in the Division of Academic Engagement and Student Affairs, the Vice President has the opportunity for continuing evaluation of performance. The position consults with the President on major programs, developments having University-wide impact, budgetary, personnel and operations decision and actions.
Describe the types of problems analyzed and /or solved in the position:*	The Vice President provide counsel to the President with regard to University-wide policy and procedural matters related to the Division of Academic Engagement and Student Affairs. Student crisis management.
Consequence of Error:*	5-Would be difficult to detect, including rec...
Describe the type of communication with internal and external sources:*	The Vice President has frequent contact with the President, Vice Presidents, Deans, Department Heads, faculty, staff and students within the University as well as elected officials, and the Board of Trustees
Describe the type(s) of confidential or sensitive information that is (are) handled and how used in the position:*	As a confidant of the President and Vice Presidents, the Vice President for the Division of Academic Engagement and Student Affairs has regular access to confidential data. The Vice President must possess the ability to treat information carefully and to discuss delicate topics with news media and others without violating this trust.
Describe the level of monetary responsibility associated with this position. What is the amount of money that is typically handled, and what are the consequences of error?:	The Vice President has direct budget control of the Division of Academic Engagement and Student Affairs.
List the hardware and software applications that are required for this position:*	Google Suite, Microsoft Word, Excel, PowerPoint, and other student affairs type software.
Does this position supervise line faculty or workforce employees?:*	<input checked="" type="radio"/> Yes <input type="radio"/> No
List the classification title and position number of the employee(s) supervised:	100490 - AVP 106040 - Director 107170 - Director 109950 - Executive Director 112720 - Executive Director 114060 - Director 127770 - Director 127780 - Associate Dean 127740 - Senior Coordinator
Does this position supervise OPS and/or Student Employees?:*	<input type="radio"/> Yes <input checked="" type="radio"/> No
Total Number of OPS and/or Student Employees supervised:	--

SPECIAL REQUIREMENTS OR CONSIDERATIONS OF THE JOB

Special Requirements of the Job:*	<input checked="" type="checkbox"/> Required to submit a financial disclosure to the Florida Commission on Ethics per FS 112.3144. <input type="checkbox"/> This position is responsible for meeting requirements of FS 215.422 <input checked="" type="checkbox"/> This position requires a criminal background screen <input type="checkbox"/> This position requires a valid driver's license <input type="checkbox"/> This position requires licensure, certification, or other described in the Special Instructions	<input type="checkbox"/> This position is eligible for veteran's preference <input type="checkbox"/> This position requires a Child Care provider security check <input type="checkbox"/> This position requires a post-offer employment physical <input checked="" type="checkbox"/> This position requires fingerprinting
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PHYSICAL DEMANDS

Physical requirements of the job:*	Occasional and/or light lifting required. Lim...
Impact of deadlines of the job:*	Externally imposed deadlines set or revise...
Standing:*	Daily
Walking:*	Daily
Sitting:*	Daily
Reaching with hands and arms:*	Daily
Climbing or Balancing:*	Occasionally
Stooping, Kneeling, Crouching , or Crawling:*	Occasionally
Use of hands to handle objects:*	Daily
Lifting up to 10lbs.:*	Daily
Lifting up to 25lbs.:*	Occasionally
Lifting over 25lbs.:*	Occasionally
Talking - express or exchange of ideas verbally:*	Daily
Hearing - perceive sound by ear:*	Daily
Vision - ability to distinguish similar colors, depth perception, close vision:*	Daily

ESSENTIAL FUNCTIONS OF THE JOB

JOB DUTIES

% of time	Description of Duty	Essential
100	<p>Strategic Leadership: Provide vision and strategic direction for the Division of Academic Engagement and Student Affairs, contribute to institution-wide planning, and guide the development of mission-aligned goals and operational improvements across student affairs units.</p> <p>Student Life Oversight: Lead and coordinate student life and support functions such as the Dean of Students, Housing and Residence Life, Student Engagement programs, and Student Health and Wellness, Career Development and Community Engagement to ensure integrated services and a cohesive student experience.</p> <p>Student Success: Develop and lead student success initiatives focused on retention, development and engagement.</p> <p>Policy & Safety: Provide executive oversight to ensure student-related policies, practices, and procedures are aligned with University policies and regulations, Board of Governors regulations, state statutes, and applicable federal regulations, with a focus on compliance, risk mitigation, and student safety.</p> <p>Collaboration: Build and sustain partnerships with Academic Affairs, faculty, and community stakeholders to align academic and co-curricular efforts that strengthen the overall student experience.</p> <p>Operations Management: Oversee departmental budgets, personnel recruitment, professional development, and performance evaluation processes.</p>	Essential

APPROVALS

Initiator:*

Jamie Sprague

Email address: jsprague@uwf.edu

Approval process:*

1 Approver - vacant JD

- | | | | |
|---------------------|---------------|---|-----------------------|
| 1. 1st Approver: | Jamie Sprague | ✓ | Approved Jan 30, 2026 |
| 2. HR Final Review: | Ronna Carden | ✓ | Approved Jan 30, 2026 |

HR Representative:*

Employment Team

Email address: employmentteam@uwf.edu