AGENDA

THE UNIVERSITY OF WEST FLORIDA
BOARD OF TRUSTEES

Finance & Facilities Committee Meeting

August 14, 2014 - 10:00 a.m.

Scenic Hills Country Club
8891 Burning Tree Rd. Pensacola, FL 32514

Call to Order/Roll Call. .......................... Mort O’Sullivan, Chair

Chair’s Greeting. .......................... Mort O’Sullivan, Chair

Action Item(s):
1. Approve and Adopt BOG Debt Management Guidelines Update
2. Approve Campus Development Agreement between Escambia County and UWF
3. Approve Proposed Amendment to Sublease Agreement between UWF Board of Trustees and UWF Foundation, Inc.
4. Approve Revisions to UWF Electronic Funds Transfer Policy
5. Approve Acquisition and Financing of Additional Student Housing Facilities
6. Approve Proposed Amendment to UWF REG 6.002 Leasing Program
7. Approve Loan to University from UWF Foundation

Information Item(s):
1. UWF Efficiency Report
2. Florida Sales Tax Exemption on Student Meal Plans

Other Committee Business:

Adjournment
Issue: Board of Governors Debt Management Guidelines Update

Proposed action: Approval and Adoption

Background information:
Section 1010.62, Florida Statutes (2013), Revenue bonds and debt, states in relevant part:

_A state university or direct-support organization may not issue debt without the approval of the Board of Governors._

The State University System of Florida Board of Governors (the “BOG”) has adopted “Debt Management Guidelines” outlining the requirements that the universities or their DSOs must meet when seeking to issue debt. The purpose of these guidelines is to ensure that the state universities and their DSO’s engage in sound debt management practices and to further put forth formalized guiding principles for the issuance of debt by the state universities and their DSOs.

The Debt Management Guidelines specify that each state university shall adopt a debt management policy consistent with the BOG guidelines and subject to approval by the BOG. To this end, the University Board of Trustees at its regular meeting on the 15th day of December, 2006, adopted the Board of Governors Policy Regarding Authorization and Approval of University Debt and related Debt Management Guidelines dated April 27, 2006.

The BOG issued a revision of its Debt Management Guidelines effective 11/21/2013. Revisions to the guidelines include the following additions:

- A description of the process used to select each professional engaged in the transactions.
- Most recent annual variable rate debt report (not applicable to UWF in the past).
- An analysis providing a quantitative justification for the need for construction.
- An analysis which calculates the expected return on the investment.

These changes are highlighted in the attached “BOG-Debt Management Checklist of Information Required 2013.pdf”

Recommendation: Adopt and approve the revised BOG Debt Management Guidelines dated 11/21/2013 as the Debt Management Policy for The University of West Florida.

Implementation Plan: None needed.

Fiscal Implications:
Fiscal oversight by the UWF Board of Trustees for the University of West Florida


Prepared by: Jeffrey A. Djerlek, Assistant Controller, 850-474-2759, jdjerlek@uwf.edu.

Facilitator/Presenter: Ms. Patricia D. Lott, General Counsel, 850-474-3419, plot@uwf.edu.
UWF Board of Trustees
Finance and Facilities Committee
August 14, 2014

Issue: Campus Development Agreement (C.D.A.) between Escambia County and UWF

Proposed action: Approve the C.D.A.

Background information:

The Board of Trustees adopted the 2011/2016 Campus Master Plan during the June 14, 2012 meeting. This updated information was used to prepare the Campus Development Agreement (CDA) with Escambia County. The Escambia County Board of County Commissioners approved the CDA on June 3, 2014.

This Agreement is intended to address implementation and mitigation impacts reasonably expected over the term of the CDA on public utilities and road infrastructure as a result of the Updated Campus Master Plan. Key points of the CDA include:

- The CDA is effective upon execution by both parties and remains in effect for ten (10) years from the date of execution.
- The CDA contemplates that the County and the University will agree upon any mitigation payments that may be required by each campus development. Such payments will be made from unexpended balances of previous mitigation payments; from State Concurrency Trust Funds if available; from other sources if available (such as developer or grant funds), or by identifying specific projects in the Campus Master Plan to be constructed by the University that serve a mitigating purpose.
- The CDA relates to the 2012 Campus Master Plan, which contemplates the addition of a University Park Multi-Use Development; East Campus Argonaut Village, and West Campus Village with a town-site center.

The Board of Governors has delegated responsibility to prepare, approve, and execute this CDA with Escambia County. This process is pursuant to Section 1013.30, Florida Statutes.

Two public hearings were held in connection with the County’s approval of this document.

Recommendation: Approve

Implementation Plan: Execute C.D.A. with Escambia County

Fiscal Implications: Mitigation payments will be determined on a case by case basis.

Supporting documents: 1) C.D.A. between Escambia County and UWF.


Facilitator/Presenter: Patricia Lott, General Counsel, plott@uwf.edu, 850-474-3419.
Issue: Amend Sublease Agreement Between the University of West Florida Board of Trustees and University of West Florida Foundation, Inc.

Proposed action: Approve Recommendation

Recommendation: The Finance and Facilities Committee recommend that the University of West Florida Board of Trustees:

- Approve the form of the Fourth Amendment to the Sublease Agreement between the University of West Florida and the University of West Florida Foundation, Inc. This amendment will reflect that an additional one-half (.5) acre parcel, plus or minus, will be added to the Subleased premises to be used for a 270-bed First Time in College student residence hall (the “2016 Housing Project”). The subject parcel is located within south central campus, and north of the Aquatic Center building. This subleased parcel will be part of the Phase I scope of development of the University Park Project.

- Authorize the Vice President of Business, Finance and Facilities of the University to execute the Fourth Amendment to the Sublease Agreement in substantially the form attached hereto, with such changes and modifications as may be approved by the Vice President with advice from General Counsel to the University.

Background information:

- The original sublease between the Foundation and the University was entered into in 1998. It has been amended as additional student housing facilities have been constructed on additional parcels of land. The most recent amendment was the Third Amendment to the Sublease Agreement, which was approved by the UWF Foundation, March 2, 2009, and the UWF Board of Trustees, March 6, 2009.

- The planned completion date of the 2016 Housing Project will be August 1, 2016.

Supporting documentation:

- University Park, Full Build-Out Site Plan, July 1, 2014 – Pwr. Pt. Slide
- University Park, Phase I Site Plan, July 1, 2014 – Pwr. Pt. Slide
- University Park, 29 Acre Survey and Legal Description, March 4, 2014
- Univ. Park, One-half (.5) acre housing parcel Survey and Legal Description, June 27, 2014
- Proposed Fourth Amendment to the Sublease Agreement to add .5 acre, July, 2014

Prepared by: Dr. Jim Barnett, Interim CEO, BEI, Associate Vice President, Facilities Development & Operations, jbarnett@uwf.edu, 850-474-2005.

Presenters: Dr. Susan Stephenson, Vice President, Business, Finance & Facilities, ssstephenson@uwf.edu, 850-474-2487; Pat Lott, General Counsel, plot@uwf.edu, 850-474-3419; and Dr. Jim Barnett, Interim CEO, BEI, Associate Vice President, Facilities Development & Operations, jbarnett@uwf.edu, 850-474-2005.
Issue: Board Approval of Revisions to UWF Electronic Funds Transfer Policy

Proposed action: Approve University Policy FIN-01.02-06/14, Revising UWF Electronic Funds Transfer Policy

Background information:

Section 1010.11, Florida Statutes (2013), Electronic transfer of funds, states in relevant part:

Pursuant to the provisions of s. 215.85, each district school board, Florida College System institution board of trustees, and university board of trustees shall adopt written policies prescribing the accounting and control procedures under which any funds under their control are allowed to be moved by electronic transaction for any purpose including direct deposit, wire transfer, withdrawal, investment, or payment.

The Board approved University Policy FIN-01.00-05/10 in November of 2013. The attached policy revision, FIN-01.02-06/14, reflects that the responsible Office is the Division of Business, Finance, and Facilities. No substantive changes were made. This policy revision was routed through the University’s Policy system in May of 2014. University Policy FIN-01.02-06/14 is being brought forward for specific Board approval.

Recommendation: Approve the attached Florida Electronic Funds Transfer Policy for the University of West Florida.

Implementation Plan: None needed.

Fiscal Implications:

Fiscal oversight by the UWF Board of Trustees for the University of West Florida.

Supporting documents: FIN-01.02-06/14 Electronic Funds Transfer Policy; Section 1010.11, Florida Statutes.

Prepared by: Patricia Lott, General Counsel, 850.474.3419, plott@uwf.edu

Presented by: Patricia Lott, General Counsel, 850.474.3419, plott@uwf.edu
UWF Board of Trustees
Finance and Facilities Committee
August 14, 2014

Issue: Acquisition and financing of additional student housing facilities

Proposed action: That the Finance and Facilities Committee recommend that the Board of Trustees adopt the attached resolution approving the issuance of (i) not exceeding $23,000,000 principal amount of debt by the University of West Florida Foundation, Inc. to finance additional student housing facilities on the campus of the University and (ii) not exceeding $16,000,000 principal amount of debt by the University of West Florida Foundation to refund the outstanding Series 2005 Bonds to achieve debt service savings; and requesting the Board of Governors to approve the issuance of such debt, making certain findings, and authorizing University officials to take certain actions in connection therewith.

Background:

In accordance with the University’s Campus Master Plan and the recommendations of the Student Housing Master Plan Task Force, the University has been working diligently to develop additional housing facilities for the University targeting first-time in college students in order to promote recruitment and retention.

In February, 2013, the Board of Trustees adopted a resolution approving the issuance of not exceeding $21,000,000 of debt to finance additional student housing, and directing staff to explore both a traditional bond issue by the University of West Florida Foundation, Inc. (the “Foundation”) and a non-traditional developer model to determine which option would present the most advantageous financing.

UWF Business Enterprises, Inc. (“BEI”), working with University Park’s Master Developer, Balfour Beatty Campus Solutions, LLC, has exhaustively explored the possibility of financing these needed facilities through debt issued through a public-private partnership; however, the options presented were either not financially feasible or were more expensive than a traditional model.

The attached resolution reflects the determination by staff that proceeding with a debt issuance by the University of West Florida Foundation, Inc. to finance the new housing facilities is the most advantageous structure. Staff will present their recommendation and the background information concerning the 2016 student housing project and the proposed bond financing.

The resolution also authorizes the issuance of up to $16,000,000 in debt to be used to refund the outstanding Dormitory Revenue Refunding Bonds (University of West Florida Foundation, Inc. Project), Series 2005 in the event that debt service savings can be obtained without extension of the remaining life of the Refunded Bonds. Current market analysis indicates that the debt service savings accomplished by the refunding would be approximately 5%.

Implementation Plan: UWF staff examined market studies, financial analyses, and competitive proposals in making their recommendation. It is expected that approval of the Board of Governors will...
be received approximately ninety days following submittal, with a target of the BOG’s November 2014 meeting, and that the Foundation will proceed immediately to issue the debt, with the goal that 270 additional beds will be available for students in fall, 2016.

Fiscal Implications:

It is expected that the planned financing will be supported by the revenues of the student housing system with coverage that is more than adequate to meet the requirements of the Foundation’s bond documents governing the financial structure of the student housing system. The only moneys that are pledged to support the proposed debt are revenues of the student housing system. The debt will not constitute a general obligation or debt of the University or the Foundation within the meaning of any constitutional or statutory prohibition.

Supporting documents:

Resolution approving the issuance of debt and information required for the approval by the Florida Board of Governors.

Prepared by:

Dr. Ruth L. Davison, Director, Housing and Residence Life

Presenter: Dr. Jim Hurd, Senior Associate Vice President, Student Affairs
Issue: Amendment of UWF/REG-6.002 Leasing Program

Proposed action: Approve amendment in form attached of UWF/REG-6.002 Leasing Program to bring the regulation compliance with Board of Governors (BOG) Regulations.

Background information:

The proposed amendments update the regulation to conform to Board of Governors’ regulation 17.001 concerning the leasing authority of the university, updates the regulation to reflect current organizational titles, and deletes language regarding solicitations that will be moved to the Standard Operating Procedures of the Office of Procurement and Contracts.

Regulation Amendment Procedural History:

The notice of proposed amendment to UWF/REG 6.002 was posted to the BOT website on July 31, 2014 and comments were invited. The notice was also published in the July 31, 2014 edition of @UWF and comment was invited. No comments have been received as of the date hereof. The required 30 day notice period for the proposed regulation ends on August 30, 2014.

Recommendation:

Approve amendment of UWF/REG-6.002 Leasing Program as set forth in the supporting documentation.

Implementation Plan:

Effective immediately upon BOT action.

Fiscal Implications:

None.

Supporting documents:

- BOG Regulations 1.001 and 17.001
- UWF/REG 6.002 Leasing Program Notice with Proposed Amendments

Prepared by: James H. Felder, Associate General Counsel, Office of the General Counsel, jfelder@uwf.edu, 850/474-3420.

Facilitator/Presenter: Angela Jones, Procurement Director
Issue: Approval of loan to University from UWF Foundation

Proposed action: That the Finance and Facilities Committee recommend that the University of West Florida Board of Trustees adopt the attached resolution providing for the issuance of a not exceeding $3,000,000 promissory note evidencing a loan made by the University of West Florida Foundation, Inc. to finance a portion of the cost of certain athletic improvements to be located on the main campus.

Background:

Section 1010.62, Florida Statutes and Section II of the Debt Management Guidelines of the Florida Board of Governors provide that Universities may borrow up to $20,000,000 from a university direct service organization on a non-recourse basis to finance a capital project, provided that the term of the borrowing does not exceed thirty (30) years, and the interest rate, if any, may not exceed current market interest rates.

UWF Business Enterprises, Inc. and staff of the University of West Florida have been working to develop a plan to finance capital improvements for the University’s athletics program. At this time it appears that internal financing is the most expedient structure. Accordingly, staff has recommended that the University request that the Foundation loan to the University not in excess of $3,000,000 at not in excess of a market rate to pay the cost of a portion of these improvements.

The attached resolution approves such loan. Since the interest rate must reflect a market rate at the date of the loan, the resolution sets forth an interest rate of not to exceed 3.5% and a term of not to exceed 6 years. Staff will present information concerning the interest rate and repayment provisions.

Fiscal Implications:

It is expected that the planned financing will be supported by the University’s athletics fee and other available revenues. The resolution contemplates that the University may choose to refinance the loan at a later date. The loan will not constitute a general obligation or debt of the University or the Foundation within the meaning of any constitutional or statutory prohibition.

Supporting documents:

Resolution approving issuance of promissory note.

Prepared by: Patricia Lott, General Counsel

Presenter: Dr. Susan Stephenson, Vice President, Business Finance and Facilities
Issue: University Efficiencies

Proposed action: Information

Background information:
Each year, in preparation of the upcoming Legislative Budget Request (LBR), the Board of Governors requests that each university submit a white paper outlining the various efficiencies that have been implemented at their institution. This year’s efficiency report was provided to the Board of Governors on August 4, 2014.

Recommendation: None

Implementation Plan: None

Fiscal Implications: None

Supporting documents:
State University System 2013-2014 Efficiencies Made, Underway or Planned – University of West Florida: Division of Business Finance & Facilities

Prepared by: Dr. Susan Stephenson, Vice President, Business, Finance, & Facilities/CFO, 474-2208, sstephenson@uwf.edu

Facilitator/Presentor: Dr. Susan Stephenson, Vice President, Business, Finance, & Facilities/CFO, 474-2208, sstephenson@uwf.edu
UWF Board of Trustees
Finance and Facilities Committee
August 14, 2014

Issue: Florida Sales Tax Exemption on Student Meal Plans

Proposed action: Informational

Background information: New legislation has been enacted which provides a sales tax exemption for student meal plans, including those at colleges and universities. The law provides that beginning July 1, 2014, the sale of certain prepaid meal plans in the State of Florida will be exempt from sales tax if specific requirements are met. Those requirements include that the meal plan must be prepaid, must be purchased from the University by a currently enrolled student, must be for a defined quantity of units which must expire at the end of an academic term, cannot be refunded at expiration, and the meal plan units can only be exchanged for food. The University of West Florida meets all of the requirements and will be able to implement the tax exemption on meal plans being purchased beginning the Fall 2014 semester.

UWF was fortunate that the structure of existing meal plan sales easily accommodated the requirements imposed by the legislation and the State Department of Revenue, especially given the short time frame for the implementation. Some of the other Florida SUS Universities will not be able to take advantage of this tax exemption immediately because their sales are structured differently and the changes required cannot be made as quickly.

Recommendation: Information item; no action required.

Implementation Plan: The law went into effect July 1, 2014 and will be implemented by the University when Fall 2014 meal plans go on sale.

Fiscal Implications: UWF students who purchase meal plans will save the amount that would have been paid for the 7.5% sales tax. On a 12 meal plan, the one most often purchased, this will result in a savings of $110.

Supporting documents: http://www.flsenate.gov/Session/Bill/2014/5601/BillText/er/PDF
http://dor.myflorida.com/dor/tips/tip14a01-09.html

Prepared by: Ellen Till, Director of Business and Auxiliary Services, 850-474-2080, etill@uwf.edu

Facilitator/Presenter: Ellen Till, Director of Business and Auxiliary Services, 850-474-2080, etill@uwf.edu
DEBT MANAGEMENT GUIDELINES
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DEBT MANAGEMENT GUIDELINES FOR CAPITAL OUTLAY PROJECTS

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 ("DSOs").

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 which 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. However, no mortgage or note shall exceed 30 years.

- University and DSO 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.

- Fully collateralized lines of credit intended to be used for temporary cash flow needs.

- 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

Process for Submitting Debt for Approval

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

a) 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 expectations to these Debt Guidelines shall be noted and explained. If the university board of trustees has not yet formally approved the debt being requested, the proposed board of trustees meeting date shall be provided.

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.

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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.
requesting issuance of the debt by DBF or a resolution approving issuance of the debt by the DSO.

**Information Required for Submission.** The following information shall be submitted to the Board Office in support of a request for approval 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.

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 infrastructure 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 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.

**Credit Ratings**

In order to access the credit markets at the lowest possible borrowing cost, it is recognized that credit ratings are critical. Therefore, for all publicly offered 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 financings, 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.

**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, i.e., 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
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**

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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.

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; predicable 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**

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;
v) 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.

**VII. EFFECT**

The foregoing guidelines shall be effective immediately and may be modified from time to time by the Board as circumstances warrant. The guidelines are intended to apply prospectively 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.

Checklist of Information Required for Submission to the Board Pursuant to Debt Management Guidelines

1. ☐ A resolution of the DSO board of directors approving the debt issuance, if applicable, and a resolution of the university Board of Trustees (the “BOT”) 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 Board staff and the university to determine a not-to-exceed amount of debt to be included in the BOT requesting resolution to the Board and in preparing required debt service and source-and-use schedules.

2. ☐ 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.

3. ☐ Estimated project cost, with schedules drawn by month and including start and completion dates, estimated useful life, and the date bond proceeds are required.

4. ☐ 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. This information must follow the Board model template and be provided in Microsoft Excel format to Board staff.

5. ☐ 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.

6. ☐ 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.

7. ☐ 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.
8. 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.

9. Financial statements for five years, if available, for the auxiliary, if auxiliary revenues are pledged.

10. A five-year history, if available, and five-year projection of the revenues securing payment. The 10 years must be shown on one table and debt service coverage ratios must be included. The information should also be provided to Board staff in Microsoft Excel format and:

   i) to the extent applicable, the projections must be shown on the individual project as well as the entire system;
   
   ii) all revenue items securing repayment must be clearly set forth as separate line items;
   
   iii) an explanation must be provided with regard to growth assumptions, and to the amount and status of approval of any rate increases;
   
   iv) 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;
   
   v) if rate increases are necessary, a commitment must be made to increase rates to the needed levels; and
   
   vi) major categories of any operating expenses should be set forth as separate line items with an explanation of assumptions regarding increases or decreases.

11. 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.

12. 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.

13. □ 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.

14. □ 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.

15. □ 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.

16. □ 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.

17. □ 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.
18. □ The most recent annual variable rate debt report.

   N/A

19. □ 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.

20. □ 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.
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. 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.

Disclaimer: The information on this system is unverified. The journals or printed bills of the respective chambers
should be consulted for official purposes.

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TO: Ryan Ross, County Attorney's Office

BCC: 06-03-2014

5:48 p.m. PH Campus Development Agreement between Escambia County and UWF (UWF Campus Master Plan)

Please Initial and Date Below on Line Provided

Judy Witterstaeter, Program Coordinator, County Administration

Attached for your further handling is one original Agreement. When fully executed, please return the Clerk's Original with Exhibits to our office. We will forward it to the Clerk's Office for filing with the Board's Minutes.

Thank you.

Department Representative - (Comments as Applicable)

Return This Cover Page & Documents (as applicable) to Judy Witterstaeter
CAMPUS DEVELOPMENT AGREEMENT
BETWEEN ESCAMBIA COUNTY and UWF

THIS AGREEMENT is made and entered into this 3rd day of June, 2014, by and between the University of West Florida Board of Trustees (hereinafter referred to as the “BOT”), and the COUNTY OF ESCAMBIA (here referred to as the “County”), a political subdivision of the State of Florida.

WITNESSETH:

WHEREAS, the campus of the University of West Florida is considered to be a vital public facility which provides research and educational benefits of statewide and national importance, and which further provides substantial educational, economic, and cultural benefits to Escambia County, and

WHEREAS, in recognition of this unique relationship between campuses of the State University System and the local governments in which they are located, the Florida Legislature has established special provisions for campus planning and concurrency in Chapter 1013, Florida Statutes, which supersede the requirements of Part II of Chapter 163, Florida Statutes, and

WHEREAS, the BOT has approved and adopted a campus master plan for UWF in compliance with the requirements set forth in Subsection 1013.30, Florida Statutes, and

WHEREAS, upon adoption of the campus master plan by the BOT, the BOT and Escambia County are required to enter into a campus development agreement, and

WHEREAS, the campus development agreement shall determine the impacts of proposed campus development reasonable expected over the term of the campus development agreement on public facilities and services, including roads, sanitary sewer, solid waste, drainage/stormwater management, potable water, parks and recreation, and public transportation, and

WHEREAS, the campus development agreement shall identify any deficiencies in public facilities and services which the proposed campus development will create or to which it will contribute, and

WHEREAS, the campus development agreement shall identify all improvements to facilities or services which are necessary to eliminate these deficiencies, and

WHEREAS, the campus development agreement shall identify the BOT’s “fair share” of the cost of all improvements to facilities or services which are necessary to address these deficiencies, and
WHEREAS, the parties hereto entered into that certain Campus Development Agreement dated as of July 22, 2009, recorded in the Public Records of Escambia County at OR 6423 beginning at page 0717 (the “2009 Agreement”); and

WHEREAS, pursuant to the process and procedure set forth in Florida law, UWF approved an update to its Campus Master Plan on June 14, 2012.

NOW, THEREFORE, for and in consideration of the mutual duties and benefits herein undertaken and conferred, the parties do hereby agree to amend and restate the 2009 Agreement to read as follows and to be bound by this Agreement henceforth:

1.0 RECITATIONS

The foregoing recitals are true and correct and are incorporated herein by reference.

2.0 DEFINITIONS OF TERMS USED IN THIS AGREEMENT

2.1 The term “Administration Commission” means the Governor and the Cabinet.

2.2 The term “adopted master plan” means the University of West Florida Master Plan Update as adopted by the Board of Trustees on June 14, 2012.

2.3 The term “affected person” means a host local government; an affected local government; any state, regional or federal agency; or a person who resides, owns property, or owns or operates a business within the boundaries of a host local government or affected local government.

2.4 The term “aggrieved or adversely affected person” means any person with proprietary interest in real property within the county, which property will suffer an adverse impact as the result of the county permitting or development approval decision.

2.5 The term “campus master plan” means a plan that meets the requirements of Chapter 1013.30, Florida Statutes.

2.6 The term “comprehensive plan” means a plan that meets the requirements of Subsection 163.3177 and 163.3178, Florida Statutes.

2.7 The term “concurrency” means the condition or circumstance that public facilities meet or exceed the adopted level of service (LOS) standards established by the County Comprehensive Plan.

2.8 The term “development” means the carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels.
2.9 The term “development order” means any order granting, denying, or granting with conditions an application for a development permit.

2.10 The term “development permit” includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exemption, variance, or any other official action of local government having the effect of permitting the development of land.

2.11 The term “force majeure” means act of God, earthquakes, blizzards, tornados, hurricanes, fire, flood, sinkhole, malicious mischief, insurrection, riots, strikes, lockouts, boycotts, picketing, labor disturbances, landslides, explosions, epidemics, compliance with any court order, ruling, or injunction.

2.12 For the purposes of this agreement, the term “public facilities and services” means potable water, sanitary sewer, solid waste, stormwater management, parks and recreation, roads, and public transportation facilities.

2.13 The term “state land planning agency” means the Department of Economic Opportunity.

3.0 INTENT AND PURPOSE

3.1 This agreement is intended to implement the requirements of concurrency contained in Chapter 1013.30, Florida Statutes. It is the intent of the BOT and the County to ensure that adequate potable water, sanitary sewer, solid waste, stormwater management, parks and recreation, roads, and public transportation facilities are available consistent with the level of service standards for these facilities as adopted in the County’s Comprehensive Plan.

3.2 This Agreement is intended to address concurrency implementation and the mitigation of impacts reasonably expected over the term of the campus development agreement on public facilities and services, including roads, sanitary sewer, solid waste, drainage/stormwater management, potable water, parks and recreation, and public transportation.

4.0 GENERAL CONDITIONS

4.1 The conditions, terms, restrictions and other requirements of this Agreement shall be legally binding and strictly adhered to by the BOT and the County.

4.2 The BOT represents that it has full power and authority to enter into and perform this Agreement in accordance with its terms and conditions without the consent or approval of any third parties, and this Agreement constitutes the valid, binding and enforceable Agreement of the BOT.

4.3 The County represents that it has full power and authority to enter into and perform this Agreement in accordance with the terms and conditions set forth herein. Further, the
County represents that this Agreement has been duly authorized by the County and constitutes a valid, binding and enforceable contract of the County having been previously approved by a resolution adopted by the County and has been the subject of one or more duly noticed public hearings as required by law; applies to all requirements of law applicable to the County, and does not violate any other Agreement to which the County is a party, the Constitution of the State of Florida, or any charter, ordinance, judgment or other requirement of law to which the County is subject.

4.4 State and regional environmental program requirements shall remain applicable.

4.5 Except as specifically referenced herein, no development permits, development orders, or development approval shall be required from the County for construction projects subject to this Agreement.

4.6 In the event that all or a portion of a project reserving capacity pursuant to this Agreement should be destroyed by a fire, storm, or other force majeure, the BOT, its grantees, successors and assigns, shall have the right to rebuild and/or repair, and the time periods for performance by the BOT shall be automatically extended so long as there is strict compliance with this Agreement.

4.7 This Agreement incorporates and includes all prior negotiations, correspondence, conversations, agreements or understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in or incorporated into this Agreement. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

4.8 Upon execution of this Agreement, all campus development identified in Exhibits “A” and “B,” dated June 14, 2012 attached hereto and incorporated herein by reference shall be submitted to the County for review by its Development Services Department through its pre-application review process. Subsequent to this review process, such development may proceed without further review by the County if it is consistent with the terms of this Agreement and UWF’s adopted campus master plan.

4.9 If any part of this Agreement is contrary to, prohibited by, or deemed invalid under any applicable law or regulation, such provisions shall be inapplicable and deemed omitted to the extent so contrary, prohibited, or invalid. The remainder of this Agreement hereof shall not be invalidated thereby and shall be given full force and effect.

5.0 DURATION OF AGREEMENT

This Agreement shall become effective upon execution by both parties and shall remain in effect for ten (10) years from the date of execution of this Agreement unless extended by the mutual consent of the BOT and the County in accordance with Section 15.0 of this Agreement.
6.0 GEOGRAPHIC AREA COVERED BY THIS AGREEMENT

The real property subject to this Agreement includes approximately 1,746 acres as identified in Exhibit “B” hereto.

7.0 DESCRIPTION OF PUBLIC FACILITIES AND SERVICES

The following public facilities and services are available to support development authorized under the terms of this Agreement.

7.1 Stormwater management facilities and services are provided by UWF. Accordingly, UWF is responsible for the operation and maintenance of all stormwater management facilities on campus.

7.2 Potable water facilities and services are provided by UWF and the Emerald Coast Utilities Authority, (ECUA). Basic service is available through on-campus wells. UWF shares a connection with the ECUA, which essentially provides for supplemental fire flow and back-up capacity. The ECUA has agreed to install a new potable water service adjacent to Pate Street having capacity for the planned West Campus Development.

7.3 Sanitary sewer collection facilities and services are provided by UWF and tied into ECUA’s sanitary sewer system and disposal facilities. Accordingly, UWF is responsible for the operation and maintenance of all sanitary sewer facilities on the main campus. The ECUA has agreed to install sanitary sewer facilities having capacity for the planned West Campus Development.

7.4 Solid waste disposal is provided through a system of dumpsters, recycling receptacles, compactors, grease traps, septic tanks, and waste storage facilities. Commercial and domestic waste is collected under contract with a private vendor. Once collected, commercial and domestic wastes are transported off campus for proper disposal. Medical waste is transported to a central location on campus and temporarily stored in a secure area until collection by a private vendor.

7.5 Recreation and open space facilities are provided by UWF. Accordingly, UWF is responsible for the operation and maintenance of all recreation and open space facilities on campus.

7.6 Transportation facilities and services are provided by UWF, the County, Florida Department of Transportation (FDOT), and the Escambia County Area Transit, (ECAT). UWF operates and maintains an on-campus system of collector, minor collector and service roads. The County operates and maintains a system of collector and minor arterial roads within the geographic area. The FDOT operates and maintains a system of minor arterial and principal arterial roads within the geographic area. The ECAT provides and operates bus service to UWF. A campus shuttle service is also utilized.
8.0 LEVEL OF SERVICE (LOS) STANDARDS ESTABLISHED BY THE COUNTY

8.1 The Escambia County Comprehensive Plan establishes the following level of service standards for stormwater management.

1) The post-development runoff rate shall not exceed the pre-development runoff rate for a 25-year storm event, up to and including an event with greatest intensity.

2) Compliance with the design and performance standards adopted pursuant to Chapter 62-25, F.A.C., in its entirety (including exemptions) and Chapters 62-4 and 62-302, F.A.C.

3) The contribution of the new development to any existing, functioning area-wide drainage system will not degrade the ability of the area-wide system to adequately retain/detain/store and control stormwater run-off.

4) The County Engineer may reduce detention/retention storage requirements for developments that provide a direct discharge of treated stormwater to the Gulf of Mexico, Escambia Bay, Pensacola Bay, or Perdido Bay provided LOS standard subpart 2 is deemed to be satisfied.

5) The County Engineer shall require design and construction for all major channels of stormwater systems under arterial and collector roads be predicated upon, and designed to control stormwater from, at least a 100-year storm event.

8.2 The Escambia County Comprehensive Plan establishes a level of service standard for potable water provided by the ECUA water system of 100 gallons per capita per day.

8.3 The Escambia County Comprehensive Plan establishes the following level of service standard for sanitary sewer:

   Residential --- 210 gallons per residential connection per day (350 gallons per residential connection per day peak); and

   Non-residential --- LOS requirements are based upon an equivalent residential connection (ERC) and on the size of the non-residential water meter.

8.4 The Escambia County Comprehensive Plan establishes a level of service standard for solid waste of six (6) pounds per capita per day.

8.5 The Escambia County Comprehensive Plan establishes the following level of service standard for recreation and open space facilities in the following Recreation Services Districts (RSD):
Barrier Island RSD – 1 acre/1,000 people within the RSD

Urban RSD – 1 acre/1,000 people within the RSD

Suburban RSD – 2 acres/1,000 people within the RSD

Rural RSD – 2 acres/1,000 people within the RSD

8.6 The Escambia County Comprehensive Plan establishes the following current existing Level of Service Standards (LOS STD) for roadway segments within the geographic area providing service to the campus:

<table>
<thead>
<tr>
<th>ON STREET</th>
<th>ROADWAY SEGEMENT</th>
<th>LOS STD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ten Mile Road</td>
<td>US 29 to UWF Boundary</td>
<td>E</td>
</tr>
<tr>
<td>Campus Drive</td>
<td>University Parkway to Nine Mile Rd.</td>
<td>E</td>
</tr>
<tr>
<td>Olive Road</td>
<td>9th Ave. to Scenic Highway</td>
<td>D</td>
</tr>
<tr>
<td>Olive Road</td>
<td>Davis Highway to 9th Ave.</td>
<td>E</td>
</tr>
<tr>
<td>Olive Road</td>
<td>Palafox Hwy. to Davis Hwy.</td>
<td>E</td>
</tr>
<tr>
<td>Old Palafox Road</td>
<td>Pensacola Blvd. to Nine Mile Rd.</td>
<td>E</td>
</tr>
<tr>
<td>Old Palafox Road</td>
<td>Nine Mile Road to Old Chemstrand Road</td>
<td>E</td>
</tr>
<tr>
<td>Old Palafox Road</td>
<td>Old Chemstrand Road to US 29 (Cantonment)</td>
<td>E</td>
</tr>
<tr>
<td>Nine Mile Rd.</td>
<td>US 29/SR 95 to University Parkway</td>
<td>D</td>
</tr>
<tr>
<td>Nine Mile Rd.</td>
<td>University Parkway to Davis Highway/SR 291</td>
<td>D</td>
</tr>
<tr>
<td>Nine Mile Rd.</td>
<td>Davis Highway/SR 291 to Santa Rosa County Line</td>
<td>D</td>
</tr>
<tr>
<td>University Parkway</td>
<td>Davis Highway to Nine Mile Road</td>
<td>E</td>
</tr>
<tr>
<td>University Parkway</td>
<td>Nine Mile Road to Campus Boulevard</td>
<td>E</td>
</tr>
<tr>
<td>North Davis Highway</td>
<td>I-10/SR 8 to University Parkway</td>
<td>D</td>
</tr>
<tr>
<td>North Davis Highway</td>
<td>University Parkway to Nine Mile Rd.</td>
<td>D</td>
</tr>
</tbody>
</table>

8.7 The Escambia County Comprehensive Plan establishes a level of service standard for public transportation as measured by a 60-minute maximum period of wait throughout the current areas and hours of service.

9.0 FINANCIAL ARRANGEMENTS BETWEEN THE BOT AND SERVICE PROVIDERS

The BOT has entered into the following financial arrangements for the provision of public facilities and services necessary to support the continued growth and development of the UWF campus:
9.1 There are no financial arrangements between the BOT and the County or any other entity for the provision of stormwater management facilities or service to the campus.

9.2 The BOT pays ECUA for the provisions of an emergency potable fire water (fireline) back-up meter service to the campus in accordance with a Utility Service Agreement executed between ECUA and UWF on 23 April 1997.

9.3 The BOT pays ECUA for the provision of sanitary sewer facilities and service to the campus in accordance with a Utility Service Agreement executed between ECUA and UWF in 1997.

9.4 The BOT has entered into a contract with Allied Waste Industries for solid waste collection and removal services to UWF campus.

9.5 There are no financial arrangements between the BOT and any other entity for the provision of parks and recreation facilities or service to the campus.

9.6 There are no financial arrangements between the BOT and the County or any other entity for the provision of transportation facilities or service to the campus.

10.0 IMPACTS OF CAMPUS DEVELOPMENT ON PUBLIC FACILITIES AND SERVICES

10.1 The BOT and the County agree that, since all UWF stormwater management facilities are designed and constructed to retain on-site, all volume of runoff generated by on-campus construction, development proposed in the adopted UWF Campus Master Plan and in Exhibits “A” and “B” should not degrade the operating conditions for public stormwater management facilities below the level of service standards adopted by the County so long, as all development identified in Exhibits “A” and “B” of this Agreement is consistent with the policies contained in the Stormwater Management Sub-Element of the adopted UWF campus master plan.

10.2 The BOT and County agree that development proposed in the adopted UWF Campus Master Plan and in Exhibits “A” and “B” should not degrade the operating conditions for public potable water facilities below the level of service standards adopted by the County.

10.3 The BOT and County agree that development proposed in the adopted UWF Campus Master Plan and in Exhibits “A” and “B” should not degrade the operating conditions for public sanitary sewer facilities below the level of service standards adopted by the County.

10.4 The BOT and the County agree that development proposed in the adopted UWF Campus Master Plan and in Exhibits “A” and “B” should not degrade the operating conditions for public solid waste collection and disposal facilities below the level of service standards adopted by the County.
10.5 The BOT and County further agree that development proposed in the adopted UWF Campus Master Plan and in Exhibits “A” and “B” should not degrade the operating conditions for public open space and recreation facilities below the level of service standards adopted by the County, so long as UWF continues to provide on-campus active and passive recreation to support its existing and future needs for mutual benefit.

10.6 The BOT and the County agree that the development proposed in the adopted UWF Campus Master Plan Update 2011-2012 as delineated in Exhibits “A” and “B”, may, at the time each element of the Campus Master Plan is constructed, contribute to reducing the operating conditions for certain off-campus roadways below the Level of Service Standards adopted by the County. Mitigation will be evaluated during the planning process for each project to determine what mitigation impacts will be assessed, if any. The BOT shall notify the County Engineer and the Development Services Department when any new construction is proposed and will attend a pre-application meeting scheduled through the Development Services Department. The BOT will also involve the county in the planning process between the BOT and any private developers that are engaged to complete elements of the Campus Master Plan.

The BOT shall satisfy its share of the mitigation for development in the adopted UWF Campus Master Plan in accordance with Section 1013.30 (13), Florida Statutes, as agreed upon by the County and the BOT. As provided in Section 27, ch. 2013-45, Laws of Florida, such mitigation may be provided by identifying specific projects in the Master Plan to be constructed by the BOT for purposes of negotiating mitigation of the impact of the projects included in the Master Plan. The preliminary cost estimate for the mitigation described in this Agreement is shown in Table 4.0 of the Traffic Impact Analysis Report Revision IV, dated July 2013, attached as Exhibit “C”. Except for reimbursement for the cost of the Traffic Impact Analysis Report, which will be applied against the unallocated balance of payments previously made by the BOT to the County, the parties agree that no mitigation payments shall be due upon execution of this Agreement.

The County and the BOT will agree upon the mitigation required for each element of the Campus Master Plan prior to the construction of each project and in reasonable compliance with Exhibit “C”, Traffic Impact Analysis Report Revision IV, dated July 2013. The BOT shall pay or satisfy its proportional fair share of the required mitigation in accordance with Section 1013.30(13)(c)(2), Florida Statutes, and in accordance with the provisions hereof, prior to commencing construction of each project.

The BOT shall provide the County an annual report to document any anticipated new construction projects. If those new construction projects are not included within the scope of this Development Agreement, at the County’s request, UWF shall, at its expense, provide additional and/or updated impact analysis reports to be used in determining any required mitigation.
10.7 The BOT and County agree that Development proposed in the adopted UWF Campus Master Plan Update, dated June 14, 2012 and in Exhibits “A” and “B” hereto will not degrade the operating conditions for public transit facilities below the level of service standards adopted by the County.

11.0 IMPROVEMENTS REQUIRED TO MEET CONCURRENcy REQUIREMENTS

In order to meet concurrency, the construction of the following off-campus improvements shall be required.

11.1 The BOT and the County agree that there is sufficient stormwater management facility capacity to accommodate the impacts of development proposed in the adopted UWF for the Campus Master Plan and in Exhibits “A” and “B”; to meet the future needs of UWF duration of this Agreement. The BOT and the County further agree that no off-campus development identified in Exhibits “A” and “B” of this Agreement is inconsistent with the policies contained in the Stormwater Management Sub-Element of the adopted UWF master plan.

11.2 The BOT and the County agree that, according to Escambia County Comprehensive Plan annual reports and based on agreements with ECUA, there is sufficient potable water facility capacity to accommodate the impacts of development proposed in the adopted UWF Campus Master Plan and in Exhibits “A” and “B”, to meet the future needs of UWF for the duration of this Agreement. The BOT and the County further agree that no off-campus potable water improvements are required by the County.

11.3 The BOT and the County agree that, according to Escambia County Comprehensive Plan annual reports, there is sufficient sanitary sewer facility capacity to accommodate the impacts of development proposed in the adopted UWF Campus Master Plan and in Exhibits “A” and “B”, to meet the future needs of UWF for the duration of this Agreement. The BOT and the County further agree that no further off-campus sanitary sewer improvements are required by the County.

11.4 The BOT and the County agree that, according to Escambia County Comprehensive Plan annual reports, there is sufficient solid waste facility capacity at the Perdido Landfill to accommodate the impacts of development proposed in the adopted UWF Campus Master Plan and in Exhibits “A” and “B” to meet the future needs of UWF for the duration of this Agreement. The BOT and the County further agree that no off-campus solid waste improvements are required by the County.

11.5 The BOT and the County agree that there is sufficient open space and recreation facility capacity to accommodate the impacts of development proposed in the adopted UWF Campus Master Plan to meet the future needs of UWF for the duration of this Agreement. The BOT and the County further agree that no off-campus open space and recreation improvements are required by the County, so long as UWF continues to provide for the recreational needs of its students.
12.0 FINANCIAL ASSURANCES FOR PUBLIC FACILITIES

The following financial assurances are provided to guarantee UWF’s pro rata share of the costs of improvements to public facilities and services identified in this document and necessary to support development identified in Exhibits “A” and “B.”

12.1 The BOT and the County agree that no off-campus stormwater management improvements are required by the County, so long as all development identified in Exhibits “A and B” of this Agreement is consistent with the policies contained in the Stormwater Management Sub-Element of the adopted UWF master plan.

12.2 The BOT and the County agree that no off-campus potable water improvements are required by the County. The BOT and the ECUA have executed a separate agreement for the installation of a new potable water service for the West Campus Development in exchange for granting a utility easement on university property.

12.3 The BOT and the County agree that no off-campus sanitary sewer improvements are required by the County.

12.4 The BOT and the County agree that no off-campus solid waste improvements are required by the County.

12.5 The BOT and the County agree that no off-campus parks and recreation improvements are required by the County.

12.6 The BOT and the County agree that the BOT’s responsibility for paying its proportionate fair share of the costs of the then improvements as defined in the 2009 Agreement for the prior Campus Master Plan Update 2006-2016 were paid at the request of BOT by The Florida Board of Governors to the County as follows:

(a) Guidy Lane and Ten Mile Intersection Improvements  $1,384,234.00

(b) Ten Mile/Greenbrier Road Improvements East of Guidy  $95,500.00

TOTALS  $1,479,734.00

The BOT and the County agree that payment of the above proportionate fair share estimates constituted full mitigation for the then anticipated off-campus transportation impacts.
This agreement was based upon the “Traffic and Impact Analysis,” September, 2008, pages 5 and 19; appendix G. Refer to Exhibit “C”. The BOT and the County acknowledge that the Campus Master Plan Improvements anticipated in the 2006-2016 Campus Master Plan were not implemented by BOT and therefore there remains a $1,479,734 mitigation credit available to the BOT to offset any future mitigation as may be agreed upon by the County and the BOT as a result of BOT or a private developer, on behalf of BOT, requesting the construction of any improvements as delineated in the 2011-2021 Campus Master Plan (Exhibits “A” and “B” hereto).

12.7 The BOT and the County agree that no additional off-campus public transportation improvements are required by the County.

12.8 Upon agreement between the BOT and the County as to the costs of mitigation of each element of the improvements hereunder, the mitigation credit described in Section 12.6, above will first be applied to offset such amount. BOT will request that the Florida Board of Governors encumber State University System Concurrency Trust Funds in the amount remaining after application of the mitigation credit described in Section 12.6, above, in order to pay the fair share contribution payable to the County for mitigation of those impacts described herein. The BOT will request that the Florida Board of Governors pay this amount to the County prior to commencing construction of each project. The BOT shall not be obligated to make the payment from any other source. However, the BOT will undertake good faith efforts to secure funding for such payments from private or other legally available sources. In the event that the Concurrency Trust Funds or other funds secured by the BOT are not available for any reason, as provided in Section 27, Ch. 2013-45, Laws of Florida, such mitigation may be provided by identifying specific projects in the Master Plan to be constructed by the BOT for purposes of negotiating mitigation of the impact of the projects included in the Master Plan.

13.0 CAPACITY RESERVATION FOR DEVELOPMENT

13.1 The BOT is reserving capacity pursuant to this Agreement. The development for which capacity is reserved is identified in the Capital Improvements Section of the UWF Campus Master Plan Update, adopted by the BOT on June 14, 2012 and incorporated herein by this reference.

13.2 The uses, maximum densities, intensities and building heights for development reserving capacity shall be those established in the Future Land Use Element of the UWF Campus Master Plan Update, adopted by the BOT on June 14, 2012.

13.3 The County agrees to reserve present and planned capacity of the public facilities and services necessary to support the development identified in Section 11.0 and Exhibits “A” and “B” for the duration of this Agreement. The BOT shall comply with all the terms and conditions of this Agreement and shall provide financial assurances as set forth in Section 12.0 of this Agreement.
13.4 The County acknowledges that subsequent development projects may reserve capacity of public facilities in the same geographic area identified in Exhibits “A” and “B”. The County also acknowledges that this shall in no way necessitate the construction of additional capital facility improvements by the BOT to meet concurrency requirements and/or to prevent development identified in UWF’s adopted campus master plan from going forward in accordance with its timetable of development.

14.0 APPLICABLE LAWS

If state or federal laws are enacted subsequent after the execution of this Agreement, which are applicable to or preclude either party’s compliance with the terms and conditions of this Agreement, this Agreement shall be modified or revoked or amended, as is necessary, to comply with the relevant state or federal laws.

15.0 AMENDMENT

15.1 This Agreement may be amended in conjunction with any amendment to the adopted UWF campus master plan which, alone or in conjunction with other amendments: increase density or intensity of use of land on the campus by more than 10 percent, decreases the amount of natural areas, open spaces, or buffers on the campus by more than 10 percent, or rearranges land uses in a manner that will increase the impact of any proposed campus development by more than 10 percent on a road or on another public facility or service provided or maintained by the State, the County, or any affected local government.

15.2 This Agreement may be amended if either party delay by more than 12 months the construction of a capital improvement identified in this Agreement.

15.3 Amendment of this Agreement shall be made in accordance with the notification requirements set forth in Section 22.0 of this Agreement.

15.4 It is further agreed that no modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document approved and executed by all the parties hereto.

15.5 In the event of a dispute arising from the implementation of this Agreement, both parties shall resolve the dispute in accordance with the dispute resolution requirements set forth in Section 18.0 of this Agreement.

16.0 CONSISTENCY WITH ADOPTED COMPREHENSIVE PLANS

The County finds that this Agreement and the proposed development and capacity reservations provided for herein are consistent with the County’s adopted Comprehensive Plan, so long as
UWF conforms to the applicable Future Land Use category regulations, as outlined in the County’s Comprehensive Plan.

17.0 ENFORCEMENT

Any party to this Agreement or aggrieved or adversely affected person may file an action for injunctive relief in the circuit court where the County is located to enforce the terms and conditions of this Agreement, or to challenge the compliance of the Agreement with Section 1013.30, Florida Statutes. This action shall be the sole and exclusive remedy of an adversely affected person other than a party to the agreement to enforce any rights or obligations arising from this Agreement.

18.0 DISPUTE RESOLUTION

18.1 In the event of a dispute arising from the implementation of this Agreement, each party shall select one mediator and notify the other party in writing of the selection. Thereafter, within 15 days after their selection, the two mediators shall select a neutral third mediator to complete the mediation panel.

18.2 Each party shall be responsible for all costs and fees payable to the mediator selected by it and shall equally bear responsibility for the costs and fees payable to the third mediator for services rendered and costs expended in connection with resolving issues in dispute.

18.3 Within 10 days after the selection of the mediation panel, proceedings must be convened by the panel to resolve the issues in dispute. Within 60 days after the convening of the mediation panel, the panel shall issue a report containing a recommended resolution of the issues in dispute.

18.4 If either the BOT or the County rejects the recommended resolution of the issues in dispute, the matter shall be forwarded to the state land planning agency which, pursuant to Subsection 1013.30, Florida Statutes, has 60 days to hold informal hearings if necessary, identify remaining issues in dispute, prepare a record of the proceedings, and submit the matter to the Administration Commission for final action. The report to the Administration Commission shall list each issue in dispute, describe the nature and basis for each dispute, identify alternative resolutions of each dispute, and make recommendations. The Administration Commission shall then take action to resolve the issues in dispute. In resolving this matter, the Administration Commission may, pursuant to Subsection 1013.30, Florida Statutes, prescribe by order the contents of this Agreement.

19.0 MONITORING AND OVERSIGHT
19.1 The County may inspect related activity on the UWF campus to verify that the terms of this Agreement are satisfied, not less than once every 12 months. UWF shall provide the County project information that demonstrates good faith compliance with the terms of this Agreement on an annual basis. Project information shall be submitted to the County each year by the first of October.

19.2 If either party finds that there has been a failure to comply with the terms of this Agreement, the aggrieved party shall serve notice on the other that such failure to comply has occurred in accordance with the notification requirements set forth in Section 22.0 of this Agreement.

19.3 Disputes that arise in the implementation of this Agreement shall be resolved in accordance with the provisions of Section 18.0 above.

20.0 SUCCESSORS AND ASSIGNS

This Agreement shall be binding upon the parties hereto, their successors in interest, heirs, assigns and personal representatives.

21.0 RECORDING OF THIS AGREEMENT

This Agreement shall be recorded by the County in the public records of Escambia County, Florida, within 14 days of execution of the Agreement by both parties. A copy of the recorded Agreement shall be forwarded to the State Land Planning Agency by the BOT within 14 days after the date of execution.

22.0 NOTICES

22.1 All notices, demands, requests to replies provided for or permitted by this Agreement shall be in writing and may be delivered by any of the following methods:

   By personal service or delivery;
   By registered or certified mail;
   By deposit with an overnight express delivery service.

22.2 Notice by personal service or delivery shall be deemed effective at the time of personal delivery. Notices by registered or certified mail shall be deemed effective three business days after deposit with the United States Postal Service. Notices by overnight express delivery service shall be deemed effective one business day after deposit with the express delivery service.
22.3 For the purpose of notice, the address of the BOT shall be:

The Board of Trustees
University of West Florida
11000 University Parkway
Pensacola, Florida 32514-5750

With a copy to:

The President
University of West Florida
11000 University Parkway
Pensacola, Florida 32514-5750

22.4 The address of the County shall be:

The Escambia County Administrator
221 Palafox Place
Pensacola, Florida 32502

With a copy to:

Director of Development Services Department
Planning and Zoning Division
3363 West Park Place
Pensacola, Florida 32505

23.0 MEMORANDUM, EXHIBITS AND SCHEDULES

The Memorandum, Exhibits and Schedules to this Agreement consist of the following documents, all of which are attached hereto and incorporated herein, form a part of this Agreement:

MEMORANDUM – Interested Parties Memorandum dated July 2013.

Exhibit “A” --- Project Enrollment Growth dated June 14, 2012

Exhibit “B” --- Geographic Area Covered by the Agreement, defined and delineated in the following Exhibits B.1, B.2, B.3 and B.4:

1. Illustrative Campus Master Plan Update 2011-2021, dated June 14, 2012
2. Capital Improvement Plan UWF Five (5) Year Plan 2012-12 through 2016-17, date June 14, 2012
4. West Campus Illustrative Campus Master Plan, date June 14, 2012

Exhibit “C” --- Traffic and Road Impact Analysis, for the University of West Florida 2011-2021 Campus Master Plan Revision IV dated July 2013.

Except as amended by this Agreement, the 2009 Agreement remains unchanged and in full force and effect.

IN WITNESS THEREOF, the parties have set their hands and seals on the day and year indicated. Signed, sealed and delivered in the presence of:

UNIVERSITY OF WEST FLORIDA
BOARD OF TRUSTEES

__________________________
Witness

__________________________
Chair

__________________________
Witness

__________________________
Date:

STATE OF FLORIDA
COUNTY OF ESCAMBIA

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgements, personally appeared ______________________ of the University of West Florida Board of Trustees, to me known to be the person described herein and who executed the foregoing, and acknowledged the execution thereof to be his free act and deed, for the purposes therein mentioned.

WITNESS my hand and official seal in the County and State last aforesaid this ________ day of ______________________, 2014.

__________________________
Notary Public

My Commission expires: ______________________

This Campus Development Agreement
Between Escambia County and BOT is approved
as to form and legality

8143-2014 CDA cl 4.4.2014
DONE AND ENACTED, by the Board of County Commissioners of Escambia County Florida, this 3rd day of June, 2014.

BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

Lumon I. May, Chairman

ATTEST:  
PAM CHILDER
CLERK OF THE CIRCUIT COURT

By: [Signature]
Deputy Clerk

This document approved as to form and legal sufficiency

By: [Signature]

Title: ASS'T COUNTY ATTORNEY

Date: JUNE 9, 2014

BCC Approved: June 3, 2014

Date

Date Executed

June 9, 2014
REVISION IV
TRAFFIC IMPACT ANALYSIS
FOR
UNIVERSITY OF WEST FLORIDA 2011-2021
CAMPUS MASTER PLAN

ESCAMBIA COUNTY, FLORIDA

Prepared for

ESCAMBIA COUNTY BOARD OF COUNTY COMMISSIONERS
Pensacola, Florida

Prepared by

EPR
Engineering & Planning Resources, PC
Pensacola, Fl 32514
Certificate of Authorization No. 26219

July 2013
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UWF CMP UPDATE 2011-2021
1.0 INTRODUCTION

The University of West Florida’s (UWF) 2012 - 2021 Campus Master Plan (CMP) Update is part of a State of Florida requirement for public universities to update their master plans every five years.

The 2012 update addresses substantial increases in student enrollment and presents a Capital Improvement Plan to provide the infrastructure needed to support the university’s growth. The CMP also addresses and presents modifications to the previous updates that include, but are not limited to, changes in the use of the West Campus and the addition of retail and convention center space on the East Campus. See Figure 1.1 for the project location and vicinity map and Figure 1.2 for the CMP development details.

1.1. Purpose and Need

This traffic analysis will identify roadway segment deficiencies at development years 2017 and 2021 and recommend improvements to address any deficiencies.

In addition to segment deficiencies, the comprehensive study will present individual intersection analysis at years 2017 and 2021 (phase I and II respectively). The study will also include detailed cost estimates for complete mitigation of each identified deficiency.

However, for the purpose of a review, this study will:

- Document existing traffic volumes along Olive Rd., Palafox St., North Davis Hwy., Ten Mile Rd/Greenbrier Blvd. (from Guidy Ln. to Chemstrand Rd), University Pkwy., Campus Dr., and Nine Mile Rd. (from US 90 to Chemstrand Rd);

- Identify projected deficiencies on Olive Rd., Palafox St., North Davis Hwy., Ten Mile Rd/Greenbrier Blvd (from Guidy Ln to Chemstrand Rd), University Pkwy., Campus Dr., and Nine Mile Rd. (from US 90 to Chemstrand Rd) for years 2017 and 2021, with the phases’ conditions based on manually projected traffic growth rates and anticipated changes to land use;


- Identify projected deficiencies on the intersections listed above for years 2017 and 2021, with conditions based on manually projected traffic growth rates and anticipated land use changes;
Figure 1.2: UWF CMP Update Project Drawings
2.0 EXISTING PROJECT AREA ROADWAY AND TRAFFIC CHARACTERISTICS

2.1 Existing Project Area Characteristics

The study area’s roadway network shall include Olive Rd., Palafox St., North Davis Hwy., Ten Mile Rd/Greenbrier Blvd (from Guidy Ln to Chemstrand Rd), University Pkwy., Campus Dr., and Nine Mile Rd. (from US 90 to Chemstrand Rd).

The characteristics of the segments within the impact area are detailed in Table 2.1, and the intersections are further described in Section 2.2. Additional information via sketches and diagrams is included in Appendix A.

<table>
<thead>
<tr>
<th>Type of Roadway</th>
<th>On Street</th>
<th>Roadway Segment</th>
<th>Travel Lane (per direction)</th>
<th>Median Type</th>
<th>Posted Speed Limit (MPH)</th>
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<td>County</td>
<td>Ten Mile Rd</td>
<td>US 29 to UWF Boundary</td>
<td>1</td>
<td>None</td>
<td>35</td>
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<tr>
<td>County</td>
<td>Greenbrier Blvd</td>
<td>Guidy Ln to Dead End</td>
<td>1</td>
<td>None</td>
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<tr>
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<td>Guidy Ln</td>
<td>Ten Mile Rd to Nine Mile Rd.</td>
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<td>Johnson Rd to Campus Entrance</td>
<td>2</td>
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<td>40-35</td>
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<tr>
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<td>Davis Hwy. to Scenic Highway</td>
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<td>40</td>
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<tr>
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<td>45</td>
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<td>County</td>
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<td>US 90 to Brent Ln</td>
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<td>Hwy. 90 to Dead-end</td>
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<td>30</td>
</tr>
<tr>
<td>County</td>
<td>Nine Mile Rd.</td>
<td>US 90 to Chemstrand</td>
<td>2</td>
<td>Grassed</td>
<td>45</td>
</tr>
</tbody>
</table>

2.2. Intersections

After consultation with Escambia County, seven (7) major and minor intersections were selected for review. These intersections are located within the study’s impact area. The intersections within the study area are listed and detailed below: See Figure 2.1 for specific location of each intersection.

E. Ten Mile Rd/Greenbrier Blvd/Guidy Ln Intersection. The intersection of E. Ten Mile Rd/Greenbrier Blvd/Guidy Ln is un-signalized. The Guidy Ln northbound approach is a shared through/left/right lane. The Ten Mile Rd eastbound approach includes one (1) combined right-turn and through lane. The Greenbrier Blvd westbound approach includes one (1) combined left-turn and through lane.

Palafox St./Nine Mile Rd. Intersection. The intersection of Palafox St./Nine Mile Rd. is controlled by a multi-phase traffic control signal. The Palafox St. southbound approach includes one (1) left-turn lane and one (1) combined through and right-turn lane. The Palafox St. northbound approach includes one (1) left-turn lane, one (1) through lane and one (1) right-turn lane. The Nine Mile Rd. westbound approach includes two (2) dedicated through lanes.
one (1) left-turn lane, and one (1) right-turn lane. The Nine Mile Rd. eastbound approach has two (2) dedicated through lanes, one (1) right-turn lane and one (1) left-turn lane.

Chemstrand Rd/Ten Mile Rd Intersection. The intersection of Chemstrand Rd/Ten Mile Rd is controlled by a multi-phase traffic control signal. The Chemstrand Rd northbound approach includes one (1) separate left-turn lane, (1) separate right-turn lane, and one (1) through lane. The Chemstrand Rd southbound approach includes one (1) separate left-turn lane, (1) separate right-turn lane, and one (1) through lane. The Ten Mile Rd westbound approach includes one (1) separate left-turn lane, one (1) separate right-turn lane, and one (1) through lane. The Ten Mile Rd eastbound approach includes one (1) separate left-turn lane, one (1) separate right-turn lane, and one (1) through lane.

Campus Dr./Davis Hwy. Intersection. The Campus Dr. eastbound approach includes one (1) separate left-turn lane and one (1) dedicated through lane. The Rockwood Rd. westbound approach is a shared through/left/right lane. The Davis Hwy. southbound approach includes one (1) separate left-turn lane, one (1) separate right-turn lane, and two (2) dedicated through lanes. The Davis Hwy. northbound approach includes two (2) dedicated through lanes and one (1) left-turn lane.

Davis Hwy./Olive Rd. Intersection. The Olive Rd. southbound approach includes one (1) separate right-turn lane, two (2) separate left-turn lanes, and three (3) dedicated through lanes. The Olive Rd. northbound approach includes one (1) separate right-turn lane, two (2) separate left-turn lanes, and three (3) dedicated through lanes. The Davis Hwy. eastbound approach includes one (1) separate right-turn lane, two (2) dedicated through lanes, and one (1) separate left-turn lane. The Davis Hwy. westbound approach includes one (1) separate right-turn lane, two (2) separate left-turn lanes, and two (2) dedicated through lanes.

Chemstrand Rd/Nine Mile Rd. The intersection of Chemstrand Rd/Nine Mile Rd. is controlled by a multi-phase traffic control signal. The Chemstrand Rd northbound approach includes one (1) separate left-turn lane, one (1) dedicated through lane and one (1) separate right-turn and through lane. The Chemstrand Rd southbound approaches each include two (2) separate left-turn lanes, one (1) separate right-turn lane, and one (1) dedicated through lane. The Nine Mile Rd. eastbound approach includes one (1) separate left-turn lane, one (1) separate right-turn lane, and two (2) dedicated through lanes. The Nine Mile Rd. westbound approach includes one (1) separate left-turn lane, one (1) separate right-turn lane, and two (2) dedicated through lanes.

Kingsfield Rd/SR 29 The intersection of Kingsfield Rd/SR 29 is controlled by a multi-phase traffic control signal. The SR 29 northbound approach includes one (1) separate left-turn lane, one (1) separate right-turn lane and two (2) though lanes. The SR 29 southbound approach includes one (1) separate left-turn lane, one (1) separate right-turn lane and two (2) though lanes. Kingsfield Rd westbound approach includes one (1) separate left-turn lane and one (1) combined right-turn and through lane. The Kingsfield Rd eastbound approach includes one through lane.

Figure 2.2 provides photographs of selected intersections with diagrams for the specific geometry of key intersections.
2.3. Planned Projects

There are projects planned for East Olive Rd. and Nine Mile Rd. that may substantially impact the roadway geometry. These changes have been added, where relevant, to the impact analysis and are described in this section. The following list does not include unplanned improvements to Greenbrier Rd that have not been added to Escambia County CIP or Florida Alabama Regional Planning Council 2025 Cost Feasible Report.

- E. Olive Rd. Includes the design and preparation of construction documents for approximately 2.1 miles of a 2-lane undivided rural roadway along the existing Olive Rd. corridor, and approximately 0.3 miles of drainage improvements along Palafox St from near the Olive Rd. intersection to State Road 8 (Interstate 10). Roadway resurfacing will begin just west of Sears Rd and extend east to Davis Hwy. Drainage improvements will be made along Palafox St from Olive Rd. to Interstate 10 to reduce flooding of properties at the Olive-Palafox intersection, and at the intersection of Whitmire Drive. Rehabilitations of the existing drainage system will also be made to a faulty metal pipe culvert crossing just west of Cody Ln. and a storm pipe just west of Davis within the Olive Rd. Baptist Church turn lane. Improvements will include possible safety improvements, as well as any benefits to extending the westbound lane to Whitmore Drive. The project is currently under design and construction is not currently funded.

- Nine Mile Rd. (SR 10/US 90A) Resurfacing from West of Pine Cone Drive to Escambia River Bridge includes milling and resurfacing a portion of Nine Mile Rd. The project also incorporates the widening of existing travel lanes, reconstruction of the paved shoulders, adding sidewalk, drainage improvements, and other related rehabilitation and safety improvements. Only two intersections will be improved – CR 97 and Jernigan Rd. The project is currently under design.
Figure 2.2 - UWF Master Plan. Intersections - Analysis of Existing Conditions

E. Ten Mile Rd. @ Greenbrier Blvd.
@ Guidy Ln

Palafox St. @ Nine Mile Rd.

Chemstrand Rd @ Ten Mile Rd
Figure 2.2 UWF Campus Master Plan. Intersections - Analysis of Existing Conditions Continued...
Figure 2.2 UWF Master Plan. Intersections - Analysis of Existing Conditions Continued
2.4 Existing Traffic Characteristics

Necessary average annual counts and P.M. peak hour counts were obtained from 2011 Florida Department of Transportation (FDOT) count data and the West Florida Regional Planning Council (WFRPC) Congestion Management Process Plan (adopted January 2012). See Appendix B for a summary of this data.

Turning movement counts (TMCs) have been collected at the center key intersections within the study area after UWF traffic patterns were established. The TMC's were conducted during evening hours (4:00 p.m. to 6:00 p.m.) peak periods. The results of the TMCs will be listed by 15-minute increments in Appendix B. Figure 2.3 will be provided to illustrate the corresponding volumes for key intersections within the study area.
Figure 2.3 – 2012 Existing (Background) Peak Hour Volumes

Ten Rd_Greenbriar Blvd./Guidy Lane

Chemstrand Rd/E. 9 Mile Rd

Chemstrand Rd/E. 10 Mile Rd

N. Davis Hwy/Campus Dr

UWF CMP UPDATE 2011-2021
FIGURE 2.3 – 2012 EXISTING (BACKGROUND) PEAK HOUR  CONTINUED…

N. Davis Hwy/E. Olive Rd.  US 29 (North)/E. Kingsfield Rd

US 29 (North)/E. Nine Mile Rd.
2.5 Existing Traffic Deficiencies (No Build)

Capacity analyses were completed for the Olive Rd., Palafox St., North Davis Hwy., Ten Mile Rd/Greenbrier Blvd (from Guidy Ln to Chemstrand Rd), University Pkwy., Campus Dr., and Nine Mile Rd. (from US 90 to Chemstrand Rd) segments, using the FDOT Quality/Level of Service Handbook and associated software and, when applicable, from the Escambia County Level of Service (LOS) tables. The handbook and software were developed by FDOT as a roadway planning and preliminary engineering analysis tool, to be used in the development and review of roadway’s quality/level of service. LOS is a qualitative measure of the operating conditions of a traffic stream on a transportation facility. There are six (6) LOSs (LOS A through LOS F) defined for each type of facility. LOS A represents the best operating conditions with no congestion, and LOS F the worst with heavy congestion. LOS D or better is desirable per Escambia County standards.

2.5.1 Existing Segment Analysis

Roadway type and lane configuration are also considered when analyzing capacity on mainline roads. Table 2.3 illustrates the mainline LOS levels for study roadway segments. As indicated, to date all roadway sections operate at acceptable levels.

2.5.2 Existing Intersection Analysis

A detailed level of services analysis was completed for the existing PM peak hour traffic volumes at the study area intersections. The cycle lengths were optimized. The Synchro Version 6.0 worksheets are contained in Appendix C.

Five of the seven study intersections have an overall intersection LOS of LOS D or better, with several individual movements operating at LOS E and LOS F. The intersections of Olive Rd/Davis Highway and PalafoxSt./Nine Mile Rd. operates at LOS E, which still meets the criteria established by Escambia County. Currently all lanes are operating at an acceptable level of service, except for the following:

- Nine Mile Rd and Campus Dr – Eastbound Left
- Chemstrand Rd and Nine Mile Rd – Eastbound Left and Southbound Left
- Olive Rd and Davis Highway – Eastbound Left, Eastbound Right, Westbound Left and Northbound Left

Table 2 below provides a summary of the delay, level of service and queuing.
### TABLE 2.3 – 2010 TRAFFIC CAPACITY ANALYSIS (NO BUILD)(PM PEAK HOUR)

<table>
<thead>
<tr>
<th>Seg. No.</th>
<th>Road No.</th>
<th>On Street</th>
<th>Roadway Segment</th>
<th>2-Way PM Peak Hr Volume (2)</th>
<th>Axle Factor (3)</th>
<th>Seasonal Factor (3)</th>
<th>2-Way PM Peak Hr Factored Volume</th>
<th>Allocated Trips (4)</th>
<th>Total Trips (5)</th>
<th>Total PM PK Hour Service Vol (6)</th>
<th>% Serv Used</th>
<th>Avail. Trips</th>
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<td>Guvnl Ln to Fox Run</td>
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<td>0.98</td>
<td>98</td>
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<td>Guvnl Ln</td>
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<td>0.98</td>
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<td>UWF</td>
<td>Campus Drive</td>
<td>Greenbriar Rd to University Drv</td>
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<td>0.99</td>
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(1) Columns 2-4 were obtained from the Escambia County LOS Tables.
(2) Axle factor obtained from FDOT using functional classification or Segment name and count date to select column. Axle factor for County Roads was determined from similar facilities. Seasonal factor obtained from FDOT and using functional classification and count date to select column. Seasonal factor for County Roads was determined from similar roadways.
(3) Obtained from Escambia County LOS Tables (when available)
(4) Total Trips equals the sum of project trips, committed trips and PM Peak Hour Factored Volume
(5) PM Peak Hour Service Volume Obtained from Escambia County LOS Table, FDOT LOS Generalized Tables or Models.
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<th>Delay (sec/veh)</th>
<th>LOS</th>
<th>95% Queue</th>
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### TABLE 2.4 - EXISTING QUEUE LENGTH AND LOS (PM PEAK HOUR)

**CONTINUED...**

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<th>Location</th>
<th>Lane Movement</th>
<th>Storage Length</th>
<th>Delay (sec/veh)</th>
<th>LOS</th>
<th>95% Queue</th>
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| E. Olive Rd/ Davis Hwy- Signalized |               |                |                 |     |           |
| Eastbound                        | Left          | 519            | 81.8            | F   | 164       |
| Eastbound                        | Thru          | -              | 50.5            | D   |           |
| Eastbound                        | Right         | 296            | 96.4            | F   | 447       |
| Westbound                        | Left          | 341            | 87.6            | F   | 277       |
| Westbound                        | Thru          | -              | 51.4            | D   |           |
| Westbound                        | Right         | 240            | 7.8             | A   | 62        |
| Northbound                       | Left          | 376            | 92.0            | F   | 337       |
| Northbound                       | Thru          | -              | 36.8            | D   |           |
| Northbound                       | Right         | 240            | 5.5             | A   | 62        |
| Southbound                       | Left          | 202            | 74.3            | E   | 167       |
| Southbound                       | Thru          | -              | 55.7            | E   |           |
| Southbound                       | Right         | 205            | 0.2             | A   | 0         |
| Intersection                     |               | 55.6           |                 | E   |           |
| Southbound                       | Right         | 831            | 0.8             | A   | 0         |
| Intersection                     |               | 57.8           |                 | E   |           |

| Guidy Lane/ Ten Mile Rd- Unsignalized |               |                |                 |     |           |
| Westbound                          | All           | -              | 3.8             | A   |           |
| Northbound                         | All           | -              | 22.5            | C   |           |

*UWF CMP UPDATE 2011-2021*
3.0 PROJECTED FUTURE TRAFFIC CONDITIONS - NO BUILD AND BUILD

3.1 Future Traffic Volumes and Operating Conditions (No Build)

Figures 3.1 and 3.2 provide 2017 and 2021 traffic projections for roadway intersections identified in section 2. Figure 3.2 includes as background all CMP 2017 build volumes. Table 3.1 provides 2017 and 2021 traffic projections for roadway segments identified in section 2. PM peak hour and annual average daily traffic (AADT) forecasting was completed according to standard engineering and planning practices. Sources of historical information and/or actual projections include the West Florida Regional Planning Council (WFRPC) “Congestion Management Process Plan” (dated January 2012), Escambia County, and the FDOT. See Appendix D for additional details.

Based on sources and methodology, the 2017 and 2021 AADT counts and background TMCs were determined. If actual counts were unavailable or seemed unreasonable in relation to the historical growth rates or surrounding roadway segments growth rates, a simple two percent annual increase was applied instead. Two percent was used as the annual growth factor as it was determined to reflect the average annual increase of traffic volumes in Escambia County. In addition, for segments containing multiple count sites, average growth rates were determined. Calculation details are listed below:

- Ten Mile Rd and Guidy Ln – Two percent was used as the annual growth factor as it was determined to reflect the average annual increase of traffic volumes in Escambia County. Using these values the 2011 AADT counts were projected to 2017 and 2021 volumes. Because the general area surrounding the Ten Mile Rd segment is generally built out, the forecasted value is extremely conservative. See Appendix D for details.

- Olive Rd., Palafox St., North Davis Hwy., University Pkwy., Campus Dr., and Nine Mile Rd. forecasted values were obtained from the Florida-Alabama Transportation Planning Organization (TPO) Congestion Management Process Plan.
<table>
<thead>
<tr>
<th>TYPE OF ROADWAY</th>
<th>ON STREET</th>
<th>ROADWAY SEGMENT</th>
<th>FDOT COUNT STATION</th>
<th>2017 BACKGROUND AADT</th>
<th>2021 BACKGROUND AADT</th>
<th>LOS STD &amp; MAX VOL</th>
</tr>
</thead>
<tbody>
<tr>
<td>County</td>
<td>Ten Mile Rd</td>
<td>US 29 to UWF Boundary</td>
<td>201 5222</td>
<td>9878</td>
<td>10693</td>
<td>D/15200</td>
</tr>
<tr>
<td>County</td>
<td>Campus Drive</td>
<td>University Pkwy to Nine Mile Rd.</td>
<td>5076</td>
<td>5398</td>
<td>5843</td>
<td>D/33,030</td>
</tr>
<tr>
<td>County</td>
<td>Olive Rd</td>
<td>9th Ave. to Scenic Highway</td>
<td>4045</td>
<td>10453</td>
<td>11315</td>
<td>D/16,500 E/16,500</td>
</tr>
<tr>
<td>County</td>
<td>Olive Rd</td>
<td>Davis Highway to 9th Ave.</td>
<td>4048 5066</td>
<td>19930</td>
<td>21573</td>
<td>D/16,500 E/16,500</td>
</tr>
<tr>
<td>County</td>
<td>Olive Rd</td>
<td>Palafox Hwy. to Davis Hwy.</td>
<td>5207 4050</td>
<td>17402</td>
<td>18837</td>
<td>D/16,500 E/16,500</td>
</tr>
<tr>
<td>County</td>
<td>Old Palafox Rd</td>
<td>Pensacola Blvd. to Nine Mile Rd.</td>
<td>4051 4013 5072</td>
<td>16005</td>
<td>17324</td>
<td>D/14,850</td>
</tr>
<tr>
<td>County</td>
<td>Old Palafox Rd</td>
<td>Nine Mile Rd to Old Chemstrand Rd</td>
<td>4055 235</td>
<td>10223</td>
<td>11066</td>
<td>D/14,850</td>
</tr>
<tr>
<td>County</td>
<td>Old Palafox Rd</td>
<td>Old Chemstrand Rd to US 29 (Cantonment)</td>
<td>381</td>
<td>2297</td>
<td>2487</td>
<td>D/22,200</td>
</tr>
<tr>
<td>County</td>
<td>Nine Mile Rd.</td>
<td>US 29/SR 95 to University Pkwy</td>
<td>4054 4052 4046</td>
<td>40012</td>
<td>43310</td>
<td>D/36,700</td>
</tr>
<tr>
<td>County</td>
<td>Nine Mile Rd.</td>
<td>University Pkwy to Davis Highway/SR 291</td>
<td>4042</td>
<td>15163</td>
<td>16413</td>
<td>D/64,300</td>
</tr>
<tr>
<td>County</td>
<td>Nine Mile Rd.</td>
<td>Davis Highway/SR 291 to Santa Rosa County Line</td>
<td>4042</td>
<td>30440</td>
<td>32949</td>
<td>D/36,700</td>
</tr>
<tr>
<td>County</td>
<td>University Pkwy</td>
<td>Davis Highway to Nine Mile Rd</td>
<td>5297</td>
<td>31015</td>
<td>33571</td>
<td>D/33,030</td>
</tr>
<tr>
<td>County</td>
<td>University Pkwy</td>
<td>Nine Mile Rd to Campus Blvd</td>
<td>5285</td>
<td>19725</td>
<td>21366</td>
<td>D/29,880</td>
</tr>
<tr>
<td>County</td>
<td>North Davis Rd.</td>
<td>I-10/SR 8 to University Pkwy</td>
<td>5296 4012</td>
<td>58870</td>
<td>63723</td>
<td>D/43,700</td>
</tr>
<tr>
<td>County</td>
<td>North Davis Rd.</td>
<td>University Pkwy to Nine Mile Rd</td>
<td>4043 4049</td>
<td>23089</td>
<td>24992</td>
<td>D/36,700</td>
</tr>
</tbody>
</table>

(1)Unless otherwise noted, columns 3-5 were obtained from the West Florida Regional Planning Council Congestion Management Study. Greenbrier Blvd. and Ten Mile Rd was added per request of the County and columns 3-5 were obtained from Escambia County.
**Figure 3.1 – 2017 Forecasted (Background) Peak Hour Volumes**

**E. 10 Mile Rd. – Greenbriar Blvd./Guildy Lane**

**Chemstrand Rd/E. 10 Mile Rd**

**Chemstrand Rd/E. 9 Mile Rd**

**N. Davis Hwy/Campus Dr**

UWF CMP UPDATE 2011-2021
Figure 3.1 – 2017 Forecasted (Background) Peak Hour Volumes Continued...

N. Davis Hwy/E. Olive Rd.

US 29 (North)/E. Kingsfield Rd

US 29 (North)/E. Nine Mile Rd.
Figure 3.2 – 2021 Forecasted (Background) Peak Hour Volumes

E. 10 Mile Rd. – Greenbriar Blvd./Guildy Lane

Chemstrand Rd./E. 9 Mile Rd.

Chemstrand Rd./E. 10 Mile Rd.

N. Davis Hwy./Campus Dr.

UWF CMP UPDATE 2011-2021
Figure 3.2 – 2021 Forecasted (Background) Peak Hour Volumes Continued...

N. Davis Hwy/E. Olive Rd.

US 29 (North)/E. Kingsfield Rd

US 29 (North)/E. Nine Mile Rd.
3.2 Future Traffic Volumes and Operating Conditions (Build)

In 2005, UWF and Escambia County entered into a development agreement for the adopted UWF Campus Master Plan. This agreement reported the reduction in operating conditions for select off-campus roadways affected by the proposed UWF development and detailed necessary mitigation measures. It was determined that the adopted 2005 Master Plan included traffic levels of 22,585 daily trips. The 2005 agreement listed significantly affected roadway segments (traffic growth >5%) that would require some level of mitigation.

In 2009 Escambia County entered into a development agreement for the 2006-2016 UWF Campus Master Plan update. That agreement provided for improvements to Ten Mile Rd, Guidy Ln, and Greenbrier Blvd for the additional traffic that would be introduced with the development of the West Campus. The proposed West Campus development added an additional 6528 daily trips (at 82 acres) to off-campus roadways. However, due to the location of the West Campus, development traffic would be entering and exiting the development at a driveway located along Greenbrier Blvd.

3.2.1 West Campus Development Trip Generation

The 2011-2021 UWF Campus Master Plan update proposed a significant change in the type of West Campus development detailed in the earlier update. Whereas the 2009 update proposed an 82-acre research park, in the 2012 update, the University is proposing a 400,000 square foot retail center (specifically, a retail, office space, and community center) surrounded by a 385-unit senior adult housing at full build-out.

According to the University, in 2017 the master plan proposes that approximately 107 dwelling units of the senior housing will be completed with a 13,348 square foot community center. In addition by year five, 15,400 square feet of office space and 32,400 square feet of retail will be completed. See Appendix E for the master plan matrix.

In year 2021, the matrix presents the addition of 117 detached senior housing units, 41,700 square feet of office space, and 50,400 square feet of retail, along with the introduction of 144 senior apartments (attached housing).

Note: As indicated in the Institute of Transportation Engineering (ITE) Trip Generation Manual, 8th edition, Senior Adult Housing - Detached may include amenities such as golf courses, swimming pools, 24-hour security transportation and common recreational facilities. Therefore, the West Campus community center presented as part of the senior housing development will be accounted the trip generation calculations for the detached senior housing.

The post-development traffic volumes for the proposed development (at years 5 and 10) were estimated using the (ITE) Trip Generation Manual. PM Peak Hour and Daily trips were calculated as follows:

ITE Code 814: Specialty Retail
Pg 1388 – P.M. Peak Hour Trips
ITE Rates
2.71 /T.G.L.A. = P.M. Peak Hour driveway trips
44.32 /T.G.L.A. = Weekday driveway trips
44% entering/56% exiting – P.M. Peak Hour
50% entering/50% exiting – Daily

ITE Code 710: General Office Building
pg 1205 - P.M. Peak Hour Trips
pg 1203 – Daily Trips
ITE Rates
1.49 /T.G.L.A. = P.M. Peak Hour driveway trips
11.01 /T.G.L.A. = Weekday driveway trips
17% entering/83% exiting – P.M. Peak Hour
50% entering/50% exiting – Daily

ITE Code 251: Senior Adult Detached Housing
Fitted Curve Equation p. 476 – P.M. Peak Hour
\[ \ln(T) = 0.75 \ln(X) + 0.35 = \text{P.M. Peak Hour driveway trips;} \]
Fitted Curve Equation p. 474 – Daily
\[ \ln(T) = 0.85 \ln(X) + 2.38 = \text{Daily driveway trips;} \]
61% entering/39% exiting – P.M. Peak Hour
50% entering/50% exiting – Daily

ITE Code 252: Senior Adult Attached Housing
Fitted Curve Equation p. 485 – P.M. Peak Hour
\[ T = 0.24 \ln(X) - 16.46 = \text{P.M. Peak Hour driveway trips;} \]
Fitted Curve Equation p. 474 – Daily
\[ \ln(T) = 0.85 \ln(X) + 2.38 = \text{Daily driveway trips;} \]
61% entering/39% exiting – P.M. Peak Hour
50% entering/50% exiting – Daily

The internal capture rate was calculated and applied as directed by the ITE *Trip Generation Handbook*. See Appendix E for the internal capture worksheets. The pass-by percentages for the daily rate were not available.

The West Campus trip generation calculations and distribution details are contained in Appendix E. The daily trips for 2017 are summarized in Table 3.2.1a and the data for 2021 are presented in Table 3.2.1b.
### TABLE 3.2.1A – 2017/2021 WEST CAMPUS TRIP GENERATION TABLE

<table>
<thead>
<tr>
<th>Development Title</th>
<th>Description</th>
<th>Land Use</th>
<th>Measurement Variable</th>
<th>Size</th>
<th>Daily Trips</th>
<th>PM Peak Hour Trips</th>
<th>Internal Capture Rate</th>
<th>Pass-By %</th>
<th>Daily Trips with internal capture and pass-by reduction</th>
<th>PM Peak Hour with internal capture and pass-by reduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phase I - Years 0-5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Office Building</td>
<td>15,400 sq feet</td>
<td>710</td>
<td>T.G.L.A</td>
<td>15.4</td>
<td>170</td>
<td>23</td>
<td>16%</td>
<td>0%</td>
<td>141.87</td>
<td>19.20</td>
</tr>
<tr>
<td>Speciality Retail</td>
<td>32,400 sq feet retail space</td>
<td>814</td>
<td>T.G.L.A</td>
<td>32.4</td>
<td>1,436</td>
<td>88</td>
<td>16%</td>
<td>0%</td>
<td>1,201.47</td>
<td>73.47</td>
</tr>
<tr>
<td>Senior Adult Detached Housing</td>
<td>107 dwelling units Phase I-w/resident only community center</td>
<td>251</td>
<td>Dwelling Units</td>
<td>107</td>
<td>573.58</td>
<td>47.21</td>
<td>16%</td>
<td>0%</td>
<td>479.92</td>
<td>39.50</td>
</tr>
<tr>
<td><strong>Total Trips West Campus</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>1,823.26</strong></td>
<td><strong>132.17</strong></td>
</tr>
<tr>
<td>Phase II - Years 5-10</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Office Building</td>
<td>41,700 sq feet office space</td>
<td>710</td>
<td>T.G.L.A</td>
<td>41.7</td>
<td>459</td>
<td>62</td>
<td>16%</td>
<td>0%</td>
<td>385.66</td>
<td>52.19</td>
</tr>
<tr>
<td>Speciality Retail</td>
<td>50,400 sq feet retail space</td>
<td>814</td>
<td>T.G.L.A</td>
<td>50.4</td>
<td>2,234</td>
<td>137</td>
<td>16%</td>
<td>0%</td>
<td>1,876.33</td>
<td>114.73</td>
</tr>
<tr>
<td>Senior Adults Attached Housing</td>
<td>113 dwelling units subdivision</td>
<td>252</td>
<td>Dwelling Units</td>
<td>113</td>
<td>393</td>
<td>18</td>
<td>16%</td>
<td>0%</td>
<td>330.32</td>
<td>15.19</td>
</tr>
<tr>
<td>Senior Adult Detached Housing</td>
<td>171 dwelling units subdivision</td>
<td>251</td>
<td>Dwelling Units</td>
<td>171</td>
<td>854.41</td>
<td>67.10</td>
<td>16%</td>
<td>0%</td>
<td>717.71</td>
<td>56.37</td>
</tr>
<tr>
<td><strong>Total Trips West Campus</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>3,310.02</strong></td>
<td><strong>238.48</strong></td>
</tr>
</tbody>
</table>

In accordance with change the in use, the university has a credit of 4,705/1,781 daily trips (after subtracting daily trips proposed in the 2009 Master Plan update) at years 5 and 10 (respectively) to the existing roadway facilities with the development of the West Campus.

#### 3.2.2 Central Campus Development Trip Generation

The 2011-2021 UWF Campus Master Plan update detailed plans for a shopping center and a hotel with conference center facilities to be included in the Central Campus development.
plans. Improvements to the Central Campus include library expansion, several mixed-use facilities, university union, parking garage, field house expansion, and football stadium. All improvements with the exception of the football stadium are extended for the use of the university’s students and staff and not generally open to the public. Therefore, it is expected that a substantial majority of the traffic that these improvements generate will result from current and future student levels and staff levels.

The University’s Central Campus 2012 projected traffic volumes were estimated using the *Institute of Transportation Engineering (ITE) Trip Generation Manual, 8th edition.* In accordance with the development details provided in the Master Plan update, the ITE rate for a university/college is due to estimated increases in enrollment for the trip generation calculations. The trip generation calculations for the University were based on enrollment forecast figures provided in the 2011-2021 UWF Master Plan update and development details proposed by the University. P.M. Peak Hour and Daily trips were calculated as follows:

ITE Code 550: University/College
ITE Rates
Fitted Curve Equation p. 1033 – P.M. Peak Hour
\[ T=0.19(x)+118.58 = \text{P.M. Peak Hour driveway trips} \]
Fitted Curve Equation p. 1031 - Daily
\[ T=2.23(x)+440.00 = \text{Daily driveway trips} \]
\( x \) = number of students
30% entering/70% exiting – P.M. Peak Hour
50% entering/50% exiting – Daily

The trip generation rate contains all activities at standard four-year university or college that may or may not offer graduate programs. It is expected that, according to the trip generation rate description for a University/College, it would contain the trips generated by a college stadium used to host various sporting activities.

The Central Campus trip generation calculations and distribution details are contained in Appendix E. The P.M. Peak Hour and Daily trips are summarized in Table 3.2.2.
### TABLE 3.2.1B – 2017/2012 CENTRAL CAMPUS TRIP GENERATION TABLE

<table>
<thead>
<tr>
<th>Development Title</th>
<th>Description</th>
<th>Land Use</th>
<th>Measurement Variable</th>
<th>Size</th>
<th>Daily Trips</th>
<th>PM Peak Hour Trips</th>
<th>Internal Capture Rate</th>
<th>Pass-By %</th>
<th>Daily Trips with internal capture and pass-by reduction</th>
<th>PM Peak Hour with internal capture and pass-by reduction</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Phase I - Year 5</strong></td>
<td>University/College</td>
<td>Four Year university</td>
<td>550</td>
<td>Number of students</td>
<td>16,092</td>
<td>36,325</td>
<td>3,176</td>
<td>0%</td>
<td>0%</td>
<td>36,325.16</td>
</tr>
<tr>
<td><strong>Total Trips Central Campus</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>36,325.16</strong></td>
</tr>
<tr>
<td><strong>Phase II - Years 5-10</strong></td>
<td>University/College</td>
<td>Four Year university</td>
<td>550</td>
<td>Number of students</td>
<td>2,734</td>
<td>6,536</td>
<td>638</td>
<td>0%</td>
<td>0%</td>
<td>6,536.82</td>
</tr>
<tr>
<td><strong>Total Trips Central Campus</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>6,536.82</strong></td>
</tr>
</tbody>
</table>

The trip generation calculations and distribution details are contained in Appendix E.

In accordance to this change in use and increase in enrollment figures the University will add an additional 13,740/20,276 daily trips (in addition to the daily trips proposed in the 2005 master plan update) to the existing roadway facilities with further development of the East Campus in years 5 and 10.

### 3.2.3 East Campus

The 2011-2021 UWF Campus Master Plan update detailed plans for a shopping center attached to a hotel, performance center, and student townhomes to be included in the East Campus development plans.

The University’s East Campus 2012 projected traffic volumes were estimated using the *Institute of Transportation Engineering (ITE) Trip Generation Manual, 8th edition*. In accordance with the development details provided in the Master plan update, the ITE rate for a shopping center, and hotel with conference center facilities was used for the trip generation calculations. The trip generation calculations for the improvement were based on details provided in the 2011-2021 UWF Campus Master Plan update from the East Campus Development Zone Master Plan Matrix.
For the purposes of trip distribution, all student housing provided in the East Campus matrix was calculated as part of the Central Campus calculations. In addition, due to the proximity of the shopping center to the UWF's east entrance, it is expected that there will be public use of the shopping center. Since there are no significant details on the types of retail or the general layout of the parking and building entrance, it would not be possible to estimate the percentage of use by the general public. Therefore, the full trip generation rate for a shopping center was used.

P.M. Peak Hour and Daily trips were calculated as follows:

ITE Code 310: Hotel
ITE Rates
Pg 582 – P.M. Peak Hour Trips
Pg 580 – Daily Trips
T = 8.95 (x)-373.16 = Weekday driveway trips
0.59/Roos= P.M. Peak Hour Trips
X= Rooms
50% entering/50% exiting – Daily
53% entering/47% exiting – P.M. Peak Hour

ITE Code 820: Shopping Center
ITE Rates
Pg 1502 – P.M. Peak Hour Trips
Pg 1500- Daily Trips
Exp(0.67*Ln(X))+3.37 = P.M. Peak Hour Trips
Exp(0.65*Ln(X))+5.83. = Weekday driveway Trips
50% entering/50% exiting – Daily

ITE Code 441: Live Theater – (limited ITE information available)
ITE Rates
Pg 790 – P.M. Peak Hour Trips
0.02 /T.G.L.A. = P.M. Peak Hour driveway trips
50% entering/50% exiting – Daily

The East Campus trip generation calculations and distribution details are contained in Appendix E. The P.M. Peak Hour and Daily trips are summarized in Table 3.2.2.
### TABLE 3.2.1C – 2017/2012 EAST CAMPUS TRIP GENERATION TABLE

<table>
<thead>
<tr>
<th>Development Title</th>
<th>Description</th>
<th>Land Use</th>
<th>Measurement Variable</th>
<th>Size</th>
<th>Daily Trips</th>
<th>PM Peak Hour Trips</th>
<th>Internal Capture Rate</th>
<th>Pass-By %</th>
<th>Daily Trips with internal capture and pass-by reduction</th>
<th>PM Peak Hour with internal capture and pass-by reduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phase I - Year 5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shopping Center</td>
<td>20,000 square feet</td>
<td>820</td>
<td>T.G.L.A</td>
<td>20</td>
<td>2,386</td>
<td>216</td>
<td>13%</td>
<td>0%</td>
<td>2,081.95</td>
<td>188.85</td>
</tr>
<tr>
<td>Hotel/Conference</td>
<td>100 Room Hotel/Conference</td>
<td>310</td>
<td>Total Rooms</td>
<td>100</td>
<td>522</td>
<td>59</td>
<td>13%</td>
<td>0%</td>
<td>455.41</td>
<td>51.49</td>
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</tr>
<tr>
<td>Total Trips Central Campus</td>
<td>Phase I - Year 5</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2,537.36</td>
<td>240.34</td>
</tr>
<tr>
<td>Phase II - Years 5-10</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Performance Center</td>
<td>6,180 square feet</td>
<td>441</td>
<td>T.G.L.A.</td>
<td>n/a</td>
<td>0.12</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>-</td>
<td>0.12</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Trips Central Campus</td>
<td>Full Build Out</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.12</td>
</tr>
</tbody>
</table>

The pass-by percentages for daily rate were not available. The trip generation calculations and distribution details are contained in Appendix E.

In accordance to this change in use and increase in enrollment figures the University will add an additional 13,153 daily trips (in addition to the daily trips proposed in the 2005 master plan update) to the existing roadway facilities with further development of the East Campus.

### 3.4 Future Segment Impact Analysis (Build)

According to the Escambia County Traffic Concurrency guidelines, the radius of influence for a commercial development is determined using the following criteria for traffic concurrency. The criteria from *The Escambia County Concurrency Management System Procedural Manual* are as follows: (see Figure 3.1 for radius of influence)
For the initial test, traffic concurrency for the proposed development will be distributed and analyzed on the roadway segments in the area of influence as described below. The radius of influence for each proposed development that is service or commercial in nature is as follows:

**NEW P.M. PEAK HOUR TRIPS DISTANCE**

<table>
<thead>
<tr>
<th>1 - 50</th>
<th>51 - 100</th>
<th>101 - 500</th>
<th>501 - 1,000</th>
<th>1,001 - 2,000</th>
<th>2,001 or more</th>
</tr>
</thead>
<tbody>
<tr>
<td>First directly-accessed roadway link</td>
<td>1 mile radius</td>
<td>2 mile radius</td>
<td>3 mile radius</td>
<td>4 mile radius</td>
<td>5 mile radius</td>
</tr>
</tbody>
</table>

The UWF East/Central and West Campus distribution calculations were based on existing traffic patterns, TMC’s, existing subdivisions placement, and knowledge of the general area. See Appendix E for trip distribution map and trip generation information.

To accurately determine the significance of the development changes (provided in the 2011-2012 CMP update) to UWF traffic patterns, consideration of the previously approved traffic levels is necessary. The traffic levels calculated according to the 2011-2012 Master Plan update were subtracted from the 2005 and 2009 approved UWF traffic levels. The adjusted/modified traffic levels would be distributed using the above information and added to the projected traffic volumes. Table 3.3 exhibits the modified traffic levels for UWF’s West and East Campuses for Years 2017 and 2021.
### TABLE 3.3 – 2017/2021 MODIFIED DAILY TRAFFIC LEVELS

<table>
<thead>
<tr>
<th>Campus Master Plan Update Year or Existing</th>
<th>Description of Trip Generator</th>
<th>2017 Daily Trips</th>
<th>2021 Daily Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012 CMP - Year 2021</td>
<td>1. Additional Senior Adult Detached Housing - 171 units 2. Senior Attached Housing - 113 units 3. 50,400 sq. ft. retail and 41,700 sq. ft. office</td>
<td>n/a</td>
<td>3,310.02</td>
</tr>
<tr>
<td>2012 CMP - Year 2017</td>
<td>1. Senior Adult Detached Housing - 107 units 2. 32,400 sq. ft. retail and 15,400 sq. ft. office</td>
<td>1,823.00</td>
<td>1,823.00</td>
</tr>
<tr>
<td>2009 CMP</td>
<td>82 Acre Research Park</td>
<td>6258</td>
<td>6258</td>
</tr>
<tr>
<td><strong>West Campus Total Daily Trips under evaluation</strong></td>
<td></td>
<td><strong>-4,435.00</strong></td>
<td><strong>-1,124.98</strong></td>
</tr>
<tr>
<td>2012 CMP - Year 2021</td>
<td>1. 6,180 square feet performance center 2. 2021 University Daily Trips calculated from projected University enrollment figures. - additional students only</td>
<td>n/a</td>
<td>6,537.00</td>
</tr>
<tr>
<td>2012 CMP - Year 2017</td>
<td>1. 20,000 square feet retail space 2. 100 Room Hotel/Conference Center 3. 2017 University Daily Trips calculated from projected University enrollment figures.</td>
<td>38,862.52</td>
<td>38,862.52</td>
</tr>
<tr>
<td>2005 CMP</td>
<td>Daily Trips provided in the 2009 CMP – Based on Forecasted Enrollment</td>
<td>22,585</td>
<td>22,585</td>
</tr>
<tr>
<td><strong>East and Central Campus Total Daily Trips under evaluation</strong></td>
<td></td>
<td><strong>16,277.52</strong></td>
<td><strong>22,814.52</strong></td>
</tr>
</tbody>
</table>

*Due to the change in land use and density, the West Campus traffic levels involve a credit that will be accounted for in the traffic concurrency and mitigation analysis.

The 2021 modified totals do not contain totals from year 2017. All adjustments for 2017 allocated trips will be presented in table 3.5.

Unless otherwise noted, capacity was determined for each impacted segment using the FDOT Generalized LOS Tables or LOSPLAN software. Table 3.4 depicts the future traffic volumes post-development and available capacity following development.
The following provides additional information regarding Tables 3.4 and 3.5:

- Background traffic volumes were estimated according to the details listed in section 3.1. See Table 3.1.
- Allocated trips only include 2017 build volumes for use with the 2021 calculations.
- Maximum service volumes were calculated using the tables in the FDOT LOS Manual or ARTPLAN.

See section 3.3.1 and Appendix E for additional details regarding the calculation of the above values and information.

3.4.1 Assessment of Traffic Impacts to Roadway Segments

An analysis was conducted to evaluate the daily traffic volumes for the study roadway segments. The project traffic and diverted campus traffic combined, with the 2017 or 2021 background traffic volumes, were compared against the roadway capacities to determine the traffic impacts of the proposed West and East Campus developments. Table 3.1 summarizes the forecasted capacity conditions without the proposed development for all impacted segments. As shown in Table 3.1, eleven (11) roadway segments within the area of impact will continue to meet their concurrency requirements and maintain the LOS under future, no-build conditions. However, four (4) segments exceed capacity under future, no-build conditions.

Tables 3.4 and 3.5 summarizes future capacity conditions associated with University development levels at year 2017 and 2021. As shown in Tables 3.4 and 3.5, analyses indicated that there are seven (7) segments exceeding capacity in year 2017 and eight (8) segments exceeding capacity in year 2021.

The West Campus is currently undeveloped and all trips mitigated in 2009 serve as a credit for the revised development. Due to the change in use and density of West Campus from the previously submitted CMP, following complete build out of phase I(2017) and phase II(2021), there will be a credit of 1511 West Campus trips. Since, the West Campus development traffic detailed in the 2009 DA exceeded the current CMP West Campus trip generation, West Campus development trips were not added to the project traffic under segment analysis.
<table>
<thead>
<tr>
<th>Type of Roadway</th>
<th>On Street</th>
<th>Roadway Segment</th>
<th>FDOT Count Station</th>
<th>2017 Background AADT</th>
<th>2017 Development Trips</th>
<th>2017 Combined Background and Development Trips</th>
<th>Service Vol.</th>
<th>% Serv Vol Used</th>
<th>Avail Trips</th>
<th>Overcapacity Prior to Development</th>
<th>LOS STD</th>
</tr>
</thead>
<tbody>
<tr>
<td>County</td>
<td>Ten Mile Road</td>
<td>US 29 to UWF Boundary</td>
<td>201 5222</td>
<td>10693</td>
<td>275</td>
<td>10968</td>
<td>15200</td>
<td>72.16%</td>
<td>4252</td>
<td>No</td>
<td>E</td>
</tr>
<tr>
<td>County</td>
<td>Campus Drive</td>
<td>University Parkway to Nine Mile Rd.</td>
<td>5076</td>
<td>5729</td>
<td>11404</td>
<td>17133</td>
<td>33036</td>
<td>31.87%</td>
<td>15897</td>
<td>No</td>
<td>E</td>
</tr>
<tr>
<td>County</td>
<td>Olive</td>
<td>9th Ave. to Scenic Highway</td>
<td>4045</td>
<td>11093</td>
<td>1194</td>
<td>12287</td>
<td>16500</td>
<td>74.47%</td>
<td>4215</td>
<td>No</td>
<td>D</td>
</tr>
<tr>
<td>County</td>
<td>Olive</td>
<td>Davis Highway to 9th Ave.</td>
<td>4048 5066</td>
<td>21150</td>
<td>1475</td>
<td>22625</td>
<td>16500</td>
<td>137.12%</td>
<td>(6125)</td>
<td>Yes</td>
<td>E</td>
</tr>
<tr>
<td>County</td>
<td>Olive</td>
<td>Palatka Hwy. to Davis Hwy.</td>
<td>5207 4050</td>
<td>18468</td>
<td>712</td>
<td>19180</td>
<td>16500</td>
<td>116.24%</td>
<td>(2089)</td>
<td>Yes</td>
<td>E</td>
</tr>
<tr>
<td>County</td>
<td>Old Palatka Hwy.</td>
<td>Pensacola Blvd. to Nine Mile Rd.</td>
<td>4051 4013 5072</td>
<td>16985</td>
<td>1302</td>
<td>18287</td>
<td>14830</td>
<td>123.15%</td>
<td>(3437)</td>
<td>Yes</td>
<td>E</td>
</tr>
<tr>
<td>County</td>
<td>Old Palatka Hwy.</td>
<td>Nine Mile Rd. to Old Chesmard Road</td>
<td>4055 235</td>
<td>10849</td>
<td>119</td>
<td>10968</td>
<td>14850</td>
<td>75.66%</td>
<td>3882</td>
<td>No</td>
<td>E</td>
</tr>
<tr>
<td>County</td>
<td>Old Palatka Hwy.</td>
<td>Old Chesmard Rd. to US 29 (Gannons Point)</td>
<td>381</td>
<td>2433</td>
<td>738</td>
<td>3176</td>
<td>22200</td>
<td>14.31%</td>
<td>19024</td>
<td>No</td>
<td>E</td>
</tr>
<tr>
<td>County</td>
<td>Nine Mile Rd.</td>
<td>University Parkway</td>
<td>4054 4052 4046</td>
<td>42461</td>
<td>4735</td>
<td>47196</td>
<td>36700</td>
<td>128.60%</td>
<td>(10496)</td>
<td>Yes</td>
<td>D</td>
</tr>
<tr>
<td>County</td>
<td>Nine Mile Rd.</td>
<td>Davis Highway/SR 291</td>
<td>4042</td>
<td>16091</td>
<td>2473</td>
<td>18564</td>
<td>64000</td>
<td>28.87%</td>
<td>45736</td>
<td>No</td>
<td>D</td>
</tr>
<tr>
<td>County</td>
<td>Nine Mile Rd.</td>
<td>Davis Highway/SR 291 to Santa Rosa County Line</td>
<td>4042</td>
<td>32303</td>
<td>6659</td>
<td>38962</td>
<td>36700</td>
<td>106.16%</td>
<td>(2262)</td>
<td>No</td>
<td>D</td>
</tr>
<tr>
<td>County</td>
<td>University Parkway</td>
<td>Davis Highway to Nine Mile Road</td>
<td>5297</td>
<td>32913</td>
<td>5813</td>
<td>38726</td>
<td>33030</td>
<td>117.23%</td>
<td>(5096)</td>
<td>No</td>
<td>E</td>
</tr>
<tr>
<td>County</td>
<td>University Parkway</td>
<td>Nine Mile Rd. to Campus Boulevard</td>
<td>5255</td>
<td>20967</td>
<td>11404</td>
<td>32371</td>
<td>31590</td>
<td>102.47%</td>
<td>(783)</td>
<td>No</td>
<td>E</td>
</tr>
<tr>
<td>County</td>
<td>North Davis Highway</td>
<td>1-10/SR 8 to University Parkway</td>
<td>5296 4012</td>
<td>62473</td>
<td>196</td>
<td>62669</td>
<td>43700</td>
<td>143.41%</td>
<td>(18069)</td>
<td>Yes</td>
<td>D</td>
</tr>
<tr>
<td>County</td>
<td>North Davis Highway</td>
<td>University Parkway to Nine Mile Rd.</td>
<td>4043 4040</td>
<td>24502</td>
<td>69</td>
<td>24571</td>
<td>36700</td>
<td>66.93%</td>
<td>12129</td>
<td>No</td>
<td>D</td>
</tr>
</tbody>
</table>

(1) Unless otherwise noted, columns 3-5 were obtained from the West Florida Regional Planning Council Congestion Management Study. Greenbrier Blvd. and Ten Mile Rd. was added per request of the County and columns 3-5 were obtained from Escambia County.

Does not include the reduction of west campus trips.

(2) Total Trips equals the sum of project trips and projected background volumes.

(3) Service Volume obtained from WFRPC CMP, FDOT LOS Generalized Tables or Models.

(4) Once the development for west campus exceeds the credit then it should be applied to concurrency.
<table>
<thead>
<tr>
<th>Type of Roadway</th>
<th>On Street</th>
<th>Roadway Segment</th>
<th>FDOT Count Station</th>
<th>2021 Background AADT</th>
<th>2017 Development Trips (part of background traffic)</th>
<th>2021 Development Trips</th>
<th>2021 Combined Background and Development Trips (included 2017 trips as background trips)</th>
<th>Service Vol.</th>
<th>% Serv Vol Used</th>
<th>Avail Trips</th>
<th>LOS STD</th>
</tr>
</thead>
<tbody>
<tr>
<td>County</td>
<td>Ten Mile Rd</td>
<td>US 29 to UWF Boundary</td>
<td>201</td>
<td>10693</td>
<td>275</td>
<td>131</td>
<td>11099</td>
<td>15200</td>
<td>73.02%</td>
<td>4101.00</td>
<td>E</td>
</tr>
<tr>
<td>County</td>
<td>Campus Drive</td>
<td>University Pkwy to Nine Mile Rd</td>
<td>5076</td>
<td>5843</td>
<td>11404</td>
<td>5426</td>
<td>22676</td>
<td>33030</td>
<td>68.64%</td>
<td>10357.00</td>
<td>E</td>
</tr>
<tr>
<td>County</td>
<td>Olive Rd</td>
<td>9th Ave. to Scenic Highway</td>
<td>4045</td>
<td>11315</td>
<td>1194</td>
<td>327</td>
<td>12836</td>
<td>16500</td>
<td>77.70%</td>
<td>3664.00</td>
<td>D</td>
</tr>
<tr>
<td>County</td>
<td>Olive Rd</td>
<td>Davis Highway to 9th Ave.</td>
<td>4048</td>
<td>21573</td>
<td>1475</td>
<td>654</td>
<td>23702</td>
<td>16500</td>
<td>143.65%</td>
<td>(7202.00)</td>
<td>E</td>
</tr>
<tr>
<td>County</td>
<td>Olive Rd</td>
<td>Palatka Hwy. to Davis Hwy.</td>
<td>5207</td>
<td>18837</td>
<td>712</td>
<td>327</td>
<td>19876</td>
<td>16500</td>
<td>120.46%</td>
<td>(3376.00)</td>
<td>E</td>
</tr>
<tr>
<td>County</td>
<td>Old Palatka Rd</td>
<td>Pensacola Blvd. to Nine Mile Rd</td>
<td>4051</td>
<td>17324</td>
<td>1302</td>
<td>323</td>
<td>19149</td>
<td>14850</td>
<td>126.95%</td>
<td>(4299.00)</td>
<td>E</td>
</tr>
<tr>
<td>County</td>
<td>Old Palatka Rd</td>
<td>Nine Mile Rd to Old Cheimmer Rd</td>
<td>4055</td>
<td>11066</td>
<td>119</td>
<td>33</td>
<td>11218</td>
<td>14850</td>
<td>75.34%</td>
<td>3632.00</td>
<td>E</td>
</tr>
<tr>
<td>County</td>
<td>Old Palatka Rd</td>
<td>Old Cheimmer Rd to US 29 (Canalment)</td>
<td>381</td>
<td>2487</td>
<td>738</td>
<td>327</td>
<td>3552</td>
<td>22200</td>
<td>16.00%</td>
<td>18648.00</td>
<td>E</td>
</tr>
<tr>
<td>County</td>
<td>Nine Mile Rd</td>
<td>US 29/SR 95 to University Pkwy</td>
<td>4054</td>
<td>43310</td>
<td>4735</td>
<td>1831</td>
<td>49876</td>
<td>36700</td>
<td>135.90%</td>
<td>(13176.00)</td>
<td>D</td>
</tr>
<tr>
<td>County</td>
<td>Nine Mile Rd</td>
<td>University Pkwy to Davis Highway/SR 291</td>
<td>4042</td>
<td>16413</td>
<td>2473</td>
<td>1177</td>
<td>20063</td>
<td>64300</td>
<td>51.20%</td>
<td>44237.00</td>
<td>D</td>
</tr>
<tr>
<td>County</td>
<td>Nine Mile Rd</td>
<td>Davis Highway/SR 291 to Santa Rosa County Line</td>
<td>4042</td>
<td>32949</td>
<td>6699</td>
<td>1902</td>
<td>41570</td>
<td>36700</td>
<td>113.27%</td>
<td>(4850.00)</td>
<td>D</td>
</tr>
<tr>
<td>County</td>
<td>University Pkwy</td>
<td>Davis Highway to Nine Mile Rd</td>
<td>5297</td>
<td>33571</td>
<td>5813</td>
<td>2223</td>
<td>41607</td>
<td>33000</td>
<td>125.97%</td>
<td>(5837.00)</td>
<td>E</td>
</tr>
<tr>
<td>County</td>
<td>University Pkwy</td>
<td>Nine Mile Rd to Campus Blvd</td>
<td>5285</td>
<td>21386</td>
<td>11404</td>
<td>5426</td>
<td>38216</td>
<td>33590</td>
<td>129.97%</td>
<td>(6626.00)</td>
<td>E</td>
</tr>
<tr>
<td>County</td>
<td>North Davis Highway</td>
<td>US 301/SR 8 to University Pkwy</td>
<td>5296</td>
<td>63723</td>
<td>196</td>
<td>33</td>
<td>63052</td>
<td>43700</td>
<td>146.34%</td>
<td>(30252.00)</td>
<td>D</td>
</tr>
</tbody>
</table>

(1) Unless otherwise noted, columns 3-5 were obtained from the West Florida Regional Planning Council Congestion Management Study. Greenbrier Blvd. and Ten Mile Rd was added per request of the County and columns 3-5 were obtained from Escambia County. Does not include the reduction of west campus trips.

(2) Total Trips equals the sum of project trips and projected background volumes.

(3) Service Volume obtained from WFRPC CMP, FDOT LOS Generalized Tables or Models.

(4) Once the development for west campus exceeds the credit then it should be applied to concurrency.
3.5 Future Intersection Levels of Service and Queues Post Development

A detailed level of services analysis was completed for the future year build PM peak hour traffic volumes at the study area intersections. According to the Master Plan documents, Phase I build out is expected at Year 2017 and Phase II is expected to be completed in year 2021. The current PM peak hour traffic volumes were projected to 2016 by using the growth rate information obtained from the WFRPC. The existing cycle lengths were optimized. The Synchro Version 6.0 worksheets are contained in Appendix F.

**Intersection Deficiencies:** The operational analyses indicate an extensive LOS change at the following intersections:

- Nine Mile Rd and Campus Dr
- Chemstrand Rd and Nine Mile Rd
- Olive Rd and Davis Hwy
- Guidy Ln and Ten Mile Rd

In addition to the intersections listed above particular turn lanes including the Eastbound lanes at SR 29/Kingsfield Rd do not meet the county’s standard for LOS. Table 3.5 provides a summary of the future build queue lengths and level of service. See Table 4.0 for Mitigation details.

**TABLE 3.6 – PROPOSED QUEUE LENGTH AND LOS (PM PEAK HOUR)**

<table>
<thead>
<tr>
<th>Location</th>
<th>Lane Movement</th>
<th>Storage Length</th>
<th>Delay (sec/veh)</th>
<th>LOS</th>
<th>95% Queue</th>
<th>Delay (sec/veh)</th>
<th>LOS</th>
<th>95% Queue</th>
<th>Delay (sec/veh)</th>
<th>LOS</th>
<th>95% Queue</th>
</tr>
</thead>
<tbody>
<tr>
<td>US 29/ Kingsfield Rd -</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eastbound</td>
<td>All</td>
<td>-</td>
<td>40.3</td>
<td>D</td>
<td>59.8</td>
<td>E</td>
<td>108.7</td>
<td>F</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Westbound</td>
<td>Left</td>
<td>133</td>
<td>22.2</td>
<td>C</td>
<td>74</td>
<td>29.8</td>
<td>C</td>
<td>94</td>
<td>53.8</td>
<td>D</td>
<td>125</td>
</tr>
<tr>
<td>Westbound</td>
<td>Thru-Right</td>
<td>-</td>
<td>17.8</td>
<td>B</td>
<td>23.5</td>
<td>C</td>
<td>29.0</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northbound</td>
<td>Left</td>
<td>290</td>
<td>48.8</td>
<td>D</td>
<td>107</td>
<td>64.4</td>
<td>E</td>
<td>156</td>
<td>64.5</td>
<td>E</td>
<td>243</td>
</tr>
<tr>
<td>Northbound</td>
<td>Thru</td>
<td>-</td>
<td>42.9</td>
<td>D</td>
<td>62.6</td>
<td>E</td>
<td>53.8</td>
<td>D</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northbound</td>
<td>Right</td>
<td>214</td>
<td>3.9</td>
<td>A</td>
<td>40</td>
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4.0 MITIGATION ANALYSIS

4.1 History

4.1.1 2005 UWF Development Agreement

In 2005, UWF and Escambia County entered into a development agreement for the adopted UWF Campus Master Plan. This agreement reported the reduction in operating conditions for select off-campus roadways affected by the proposed UWF development and detailed necessary mitigation measures. It was determined that the adopted 2005 Master Plan included traffic levels of 22,585 daily trips. The 2005 agreement listed significantly affected roadway segments (traffic growth >5%) that would require some level of mitigation.

As a result of the 2005 development agreement, UWF and Escambia County agreed that the University’s responsibility for paying its fair share of the costs of potential improvement will be met as follows:

(a) Chemstrand Rd (Nine Mile Rd to Ten Mile Rd) $473,557
(b) Nine Mile Rd (US 90A) (Jernigan Rd to University Pkwy) $677,483
(c) University Pkwy (Nine Mile Rd to Campus Dr) $1,233,415
(d) University Pkwy (Davis Highway to Nine Mile Rd) $1,057,625

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The University and Escambia County agreed that the payment of the above fair share estimates constituted full mitigation for the off-campus transportation impacts that were presented in the 2005 UWF Campus Master Plan.

4.1.2 2009 UWF Development Agreement

In 2009, Escambia County entered into a development agreement for the 2006-2016 UWF Campus Master Plan update. That agreement provided for improvements to Ten Mile Rd, Guidy Lane, and Greenbrier Blvd for the additional traffic that would be introduced with the development of the West Campus. Since the West Campus Development was not included in the 2005 UWF Campus Master Plan, it was not mitigated during the 2005 development agreement. However the 2005 development agreement was updated to include the mitigation for the West Campus in a 2009 DA update.

The proposed West Campus development added an additional 6,528 daily trips (at 82 acres) to off-campus roadways. However, due to the location of the West Campus, development traffic would be entering and exiting the development at a driveway located along Greenbrier Blvd.

As a result of the 2009 development agreement, University and Escambia County agreed that the University’s responsibility for paying its fair share of the costs of potential improvement will be met as follows:
(a) Guidy Ln and Ten Mile Intersection Improvement $1,384,234
(b) Ten Mile/Greenbrier Rd Improvements East of Guidy $95,500
Totals $1,479,734

4.1.3 Actual County Expenditure
Below is a presentation of all county projects that were financed in part with the UWF 2005 and 2009 Development Agreement funds.

<table>
<thead>
<tr>
<th>Project Name</th>
<th>UWF Funds</th>
<th>County Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greenbrier and Guidy</td>
<td>$1,229,161.67</td>
<td>$ -</td>
</tr>
<tr>
<td>Balance</td>
<td>$250,572.33</td>
<td>$ -</td>
</tr>
<tr>
<td>Total</td>
<td>$1,479,734.00</td>
<td>$ -</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Percentage</th>
<th>UWF Funds</th>
<th>County Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cody and Jernigan</td>
<td>43.4%</td>
<td>$641,403.79</td>
<td>$1,069,006.32</td>
</tr>
<tr>
<td>Nine Mile Road at Chemstrand</td>
<td>23.0%</td>
<td>$665,312.32</td>
<td>$1,110,191.00</td>
</tr>
<tr>
<td>Ten Mile Road at Chemstrand</td>
<td>20.0%</td>
<td>$722,106.18</td>
<td>$1,203,510.30</td>
</tr>
<tr>
<td>Ten Mile Road at Ashton Brosnahan Road</td>
<td>12.9%</td>
<td>$665,312.32</td>
<td>$1,110,191.00</td>
</tr>
<tr>
<td>Nine Mile Road at Guidy Lane</td>
<td>3.2%</td>
<td>$52,410.18</td>
<td>$1,110,191.00</td>
</tr>
<tr>
<td>Ten Mile Road at Highway 95A</td>
<td>2.6%</td>
<td>$1,406,803.06</td>
<td>$2,164,312.40</td>
</tr>
<tr>
<td>Ten Mile Road Sidewalks</td>
<td>0.7%</td>
<td>$85,501.37</td>
<td>$1,110,191.00</td>
</tr>
<tr>
<td>Ten Mile Road Turn Lane</td>
<td>0.1%</td>
<td>$70,156.23</td>
<td>$1,110,191.00</td>
</tr>
<tr>
<td>Ten Mile Road at Chemstrand Drainage Imp</td>
<td>0.4%</td>
<td>$248,635.78</td>
<td>$1,110,191.00</td>
</tr>
<tr>
<td>Ten Mile Road at Motley (Pate)</td>
<td>0.3%</td>
<td>$169,934.75</td>
<td>$1,110,191.00</td>
</tr>
<tr>
<td>Total</td>
<td>100%</td>
<td>$3,435,625.35</td>
<td>$8,776,680.81</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$5,341,055.46</td>
<td></td>
</tr>
</tbody>
</table>

Note: Even though the improvements listed above take into account particular sections of the segments listed in section 12.6 of the 2005 development agreement, they do not duplicate the list in its entirety. However, it was the Escambia County’s intent that the above improvements displayed would meet the demand of background traffic and proposed University development impacts and provide increase LOS, thereby satisfying the previous development agreement.
4.2 Mitigation Methodology

The following discussion details the traffic impact mitigation analysis for the 2012 UWF Campus Master Plan. An analysis was conducted to evaluate the AADT traffic volumes for the study roadway segments for 2017 to 2021. The project traffic and diverted campus traffic, combined with applicable 2017 or 2021 background traffic volumes, were compared against the roadway capacities to determine the traffic impacts of the proposed West and East Campus developments. It is important to note that the initial 2017 and 2021 project traffic (under analysis) was reduced (modified) to provide credit for previously approved and mitigated university developments. The process of reduction simply involved subtracting the 2005 and 2009 approved development traffic levels from the initial 2017 and 2021 project traffic. The modified trips were then distributed along study segments and intersections.

The distributed, modified trips were combined with forecasted background traffic to determine the total trips per segment and compared against the adopted level of service (LOS) levels at post-development. After determining which segments and intersections exceeded adopted LOS levels at post-development, with the inclusion of modified development traffic and forecasted background traffic, necessary capacity improvements were considered. Since the West Campus development traffic detailed in the 2009 development agreement exceeded the current CMP West Campus trip generation, West Campus development trips were not added to the project traffic under segment analysis (see Tables 3.4 and 3.5).

In the preceding table, capacity improvements necessary to increase the segments’ LOS (2017 and 2021 post-development) were provided. The FDOT Level of Service Manual and Art Plan software was used to determine the needed capacity improvements and resulting increase in LOS. See Appendix G for Art Plan details.

Following the determination of needed capacity improvements, the review of the impacted segments (segments impacted by the proposed developments and evaluated to require capacity improvements) continued to determine whether a segment was included in Escambia County’s Capital Improvement Plan (CIP), West Florida Regional Planning Council cost-feasible plans, or the FDOT current work program. The review also determined which phases were funded or planned in the local or state programs. See below for a list of all applicable projects under current state or local work programs or CIP:

- SR 291 Davis Highway @ CR 498 Copter Rd. Intersection – design and construction of right turn lanes – fully funded
- E. Olive Rd. from Palafox Dr. to Scenic Highway – design of safety improvements – construction funded
- Burgess Road realignment from SR29 to Crighton Road
- Johnson Road Realignment – construction fully funded
- Nine Mile Rd. (SR 10/US 90A) from west of Pine Cone Drive to the Escambia River Bridge – design for milling and resurfacing a portion of Nine Mile Rd. and intersections at CR 97 and Jernigan Rd. – construction not funded.

Any facilities/phases included in the current state or local work programs or CIP were included in the background for analysis and will not be included in the Proportionate Share or
mitigation calculations.

To calculate the Proportionate Share for state facilities, Escambia County currently has elected to use the formula and associated criteria provided in Chapter 2011-139 of the Laws of Florida, the Community Planning Act.

\[
\text{Proportionate Share} = \left( \frac{\text{Development Trips} - \text{Available Capacity}}{\text{Service Volume Increase}} \right) \times \text{Cost of Roadway Segment Improvement Cost}
\]

If available capacity is < development trips then the available capacity will equal 0

\textbf{NOTE:} The cost used for the proportionate fair-share calculation is the current cost estimate of tomorrow’s cost. Upon acceptance by the local government of a proportionate fair-share contribution, the applicant would not be responsible for any subsequent cost overruns or inflationary factors associated with the project beyond that date.

Any state roadway that did not meet the criteria established in the Proportionate Share statute was removed from fair share consideration. The criteria included the following:

- \textit{The local government shall not require an applicant to pay more than a development’s proportionate share of the improvements needed to mitigate its impacts;}

- \textit{If any road is determined to be transportation deficient without the development’s projected traffic, the cost of correcting that deficiency shall be removed from the calculation and the needed improvements to correct the deficiency will be assumed to be in place for the proposes of the calculation; Excerpt from the FDOT “Proportionate Share Calculation Report”}

All impacted county facilities were assessed mitigation costs using the aforementioned methodology. The improvements presented for county facilities included widening the facilities, operational improvements, multi-modal improvements, and improvements to parallel facilities. All improvements were considered to be under the supervision of Escambia County personnel.

The proportionate share calculations were totaled, and the 2009 West Campus mitigation (including the 2012 Traffic Study) was subtracted from the total to provide the current mitigation for the 2012 CMP – phase I. The 2005 mitigation funds were accounted for by the reduction in traffic levels in section 3.

Since there is not enough substantial preliminary engineering or design data to provide
accurate design or construction costs, the cost used to prepare the proportional fair share or mitigation are planning-level estimates only. See Appendix G. See below for additional details regarding mitigation of the segment and the cost per segment.

Olive Rd. (Palafox to 9th Segments) Future Mitigation Summary – Add a continuous left turn lane and multi-modal and intersection improvements. This capacity improvement has been funded through construction by Escambia County. Since this segment does not maintain LOS at 2017 No Build conditions, this project does not meet the proportional share criteria and will not be included in the mitigation calculations.

Palafox St. (Pensacola Blvd. to Nine Mile Rd.) Future Mitigation Summary – Capacity improvements are required; however, this segment is constrained. Multi-modal improvements and improvements to parallel facilities are necessary to improve this facility’s LOS. Since this segment does not maintain LOS at 2017 No Build conditions, this project does not meet the proportional share criteria and will not be included in the mitigation calculations.

Nine Mile Rd (US 29 to University Pkwy.) Future Mitigation Summary – The addition of one lane per direction of travel is required for this roadway to reach LOS at post-development. The segment fails level of service at 2017 pre-development. At 2017 post-development, the level of service fails further below the acceptable range (LOS F). Since this segment does not meet the guidelines under the current state Proportionate Share statues and it is a state roadway, Proportionate Share would not apply. In addition, an analysis indicated that an additional lane in both directions would be necessary to meet LOS, but capacity improvements are not planned and listed under the TPO’s cost-feasible plan.

University Pkwy. (Davis Highway to Campus Blvd.) Future Mitigation Summary – Intersection and multimodal improvements are necessary to meet LOS. The segment fails level of service at 2017 post-development. It is recommended that the mitigation includes intersection improvements at Davis Highway/University Pkwy and at University Pkwy/Nine Mile Rd. Since the corridor is constrained, capacity improvements such as the addition of a new lane shall not be considered.

A multimodal improvement of involving the addition of new bus route from University of West Florida to University Mall via University Boulevard and Davis Highway has been proposed. Escambia County expects that the addition of this route (along with efforts by the University to reduce student driving and increase the use of transit by students) may decrease the estimated traffic generated by University projected enrollment. It is important to note that although this proposed route has been included in the Escambia County Transit Transportation Development Plan Major Update (FY 2012-2021), it was outside the plan’s projected ten year timeframe. This route is currently not funded.

After meeting with Escambia County Area Transit Officials, it was determined that a comprehensive operational study (COS) should be conducted for the University Corridor to determine if a bus route is warranted based on student and staff demographics (current and 2017), route geometrics, and expected use and etc. Escambia County staff recommended that the University’s mitigation should included a comprehensive operation study for the University Corridor to determine the service characteristics for the proposed route (cycle time, vehicle requirements, frequency of services, number of daily round trip). Following the
completion of the COS, it is expected that a mitigation cost for the proposed bus route will be developed and applied during Phase II development of the CMP.

**North Davis Highway (I10 to University Pkwy) Future Mitigation Summary** – Intersection and multimodal improvements are necessary to meet LOS. The segment fails level of service at 2017 pre-development and post-development. Since this segment does not meet guidelines under the current state proportionate share statues and it is a state roadway, Proportionate Share would not apply. In addition, analysis indicated that an additional lane in both directions would be necessary to meet LOS, but capacity improvements are not planned and listed under the TPO’s cost-feasible plan.

**Intersection Future Mitigation Summary** – Intersection and multimodal improvements.

a) Nine Mile Rd. and Campus Dr. – Turn lane and timing improvements shall be mitigated under the Nine Mine Rd. Future Mitigation Summary (see above).

b) Chemstrand Rd. and Nine Mile Rd. – Shall be mitigated under the 2005 Mitigation (see Section 4.1.3).

c) Olive Rd. and Davis Hwy. – Currently operates at an overall intersection LOS E during PM peak hours, but with individual movements operating at LOS F during PM peak hours. These individual movements include the eastbound left and right turn movements and westbound and northbound left turn movements. The queuing analysis also indicates that the eastbound right turn movements experience 95th percentile queues longer than the available storage. Observations and evaluation indicate two factors related to intersection operations. The first is the relatively high cycle length that is a result of coordinated signal timings for the Davis corridor. The natural cycle length for this particular intersection is much lower and would result in more efficient movements. The other is the lane drop just west of the intersection. While there are two lanes westbound through the intersection, motorists primarily use only one lane in anticipation of the immediate lane drop just west of Davis Highway. Potential solutions to these issues include signal timing optimization for the entire corridor and extending the second westbound through lane to allow for the most efficient use of the intersection geometry. Year 2017 and 2021 are forecasted to operate at an overall intersection LOS F during PM peak hours. The following movements operate at LOS F: EB left turn, EB right, WB left turn, WB through lane, NB left turn, NB through lane, SB left turn, and SB through. A complete intersection redesign is required but may not be possible due to ROW restrictions. This project does not meet the proportional share criteria and will not be included in the mitigation calculations.

d) Guidy Ln. and Ten Mile Rd. – Shall be mitigated under the 2009 Mitigation.

See Table 4.1 for details regarding the above information.
With the addition of Historic Pensacola, UWF has another opportunity to enhance academic programs and directly serve the community. It envisions historic and archaeological programs to capitalize on the living history in West Florida.

UWF will have a Multi-Cultural Center, should there be availability of private donations. This building will serve as a venue for community outreach programs for students and teachers in K-12; and public seminars, lecture series, and workshops for all ages.

2.2.2 STUDENTS
The University of West Florida enrolled 7,011 FTE (11,630 headcount) students in the fall, 2010 term, an approximate 17.9% increase from fall 2006. By the 2021-22 academic year, the headcount is projected to increase another 7,196 students, or by a factor of 61.8%, as indicated below in TABLE 2-1.

<table>
<thead>
<tr>
<th>ACADEMIC YEAR</th>
<th>PROJECTED ANNUALIZED STUDENT FTE ENROLLMENT</th>
<th>PROJECTED HEADCOUNT</th>
<th>% GROWTH OF FTEs</th>
<th>% GROWTH OF HEADCOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>7,011</td>
<td>11,630</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2011</td>
<td>7,689</td>
<td>12,304</td>
<td>7.78%</td>
<td>5.80%</td>
</tr>
<tr>
<td>2012</td>
<td>8,234</td>
<td>12,978</td>
<td>7.09%</td>
<td>5.48%</td>
</tr>
<tr>
<td>2013</td>
<td>8,789</td>
<td>13,652</td>
<td>6.74%</td>
<td>5.19%</td>
</tr>
<tr>
<td>2014</td>
<td>9,355</td>
<td>14,325</td>
<td>6.44%</td>
<td>4.94%</td>
</tr>
<tr>
<td>2015</td>
<td>9,919</td>
<td>15,000</td>
<td>6.02%</td>
<td>4.70%</td>
</tr>
<tr>
<td>2016</td>
<td>10,315</td>
<td>15,473</td>
<td>4.00%</td>
<td>3.15%</td>
</tr>
<tr>
<td>2017</td>
<td>10,728</td>
<td>16,092</td>
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<td>4.00%</td>
</tr>
<tr>
<td>2018</td>
<td>11,157</td>
<td>16,736</td>
<td>4.00%</td>
<td>4.00%</td>
</tr>
<tr>
<td>2019</td>
<td>11,603</td>
<td>17,405</td>
<td>4.00%</td>
<td>4.00%</td>
</tr>
<tr>
<td>2020</td>
<td>12,068</td>
<td>18,101</td>
<td>4.00%</td>
<td>4.00%</td>
</tr>
<tr>
<td>2021</td>
<td>12,550</td>
<td>18,826</td>
<td>4.00%</td>
<td>4.00%</td>
</tr>
<tr>
<td>2022</td>
<td>13,052</td>
<td>19,579</td>
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<td>4.00%</td>
</tr>
<tr>
<td>2023</td>
<td>13,574</td>
<td>20,362</td>
<td>4.00%</td>
<td>4.00%</td>
</tr>
<tr>
<td>2024</td>
<td>14,117</td>
<td>21,176</td>
<td>4.00%</td>
<td>4.00%</td>
</tr>
<tr>
<td>2025</td>
<td>14,682</td>
<td>22,023</td>
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<td>4.00%</td>
</tr>
<tr>
<td>2026</td>
<td>15,269</td>
<td>22,904</td>
<td>4.00%</td>
<td>4.00%</td>
</tr>
<tr>
<td>2027</td>
<td>15,880</td>
<td>23,820</td>
<td>4.00%</td>
<td>4.00%</td>
</tr>
<tr>
<td>2028</td>
<td>16,515</td>
<td>24,773</td>
<td>4.00%</td>
<td>4.00%</td>
</tr>
<tr>
<td>2029</td>
<td>17,176</td>
<td>25,764</td>
<td>4.00%</td>
<td>4.00%</td>
</tr>
<tr>
<td>2030</td>
<td>17,863</td>
<td>26,795</td>
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<td>4.00%</td>
</tr>
<tr>
<td>2031</td>
<td>18,578</td>
<td>27,865</td>
<td>4.00%</td>
<td>4.00%</td>
</tr>
<tr>
<td>2032</td>
<td>19,321</td>
<td>28,981</td>
<td>4.00%</td>
<td>4.00%</td>
</tr>
<tr>
<td>2033</td>
<td>20,093</td>
<td>30,140</td>
<td>4.00%</td>
<td>4.00%</td>
</tr>
<tr>
<td>2034</td>
<td>20,897</td>
<td>31,346</td>
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<td>4.00%</td>
</tr>
<tr>
<td>2035</td>
<td>21,733</td>
<td>32,600</td>
<td>4.00%</td>
<td>4.00%</td>
</tr>
<tr>
<td>2036</td>
<td>22,602</td>
<td>33,904</td>
<td>4.00%</td>
<td>4.00%</td>
</tr>
</tbody>
</table>
University to allocate and maximize the use of those resources to meet the mission and goals of the institution.

### 14.3 ANALYSIS

In July 2011, the University submitted a Five-Year Capital Improvement Plan (CIP-2) and Legislative Budget Request for the 2012-13 through 2016-17 funding cycle with a requested total appropriation of $202,999,750 from the Legislature across the five-year period. In general, these funds envisioned to support the University mission as follows and as indicated below in **TABLE 14-1** and in **FIGURE 14-A** and 14-B.

#### TABLE 14-1

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Academic</td>
<td>Construction</td>
<td>North Campus</td>
<td>Student Center</td>
<td>$4,000,000</td>
<td>$4,500,000</td>
<td>$5,000,000</td>
<td>$5,500,000</td>
<td>$6,000,000</td>
<td>$22,500,000</td>
<td>$28,000,000</td>
</tr>
<tr>
<td>2</td>
<td>Academic</td>
<td>Construction</td>
<td>South Campus</td>
<td>Education Center</td>
<td>$3,200,000</td>
<td>$3,700,000</td>
<td>$4,200,000</td>
<td>$4,700,000</td>
<td>$5,200,000</td>
<td>$21,500,000</td>
<td>$27,000,000</td>
</tr>
<tr>
<td>3, 4, 5</td>
<td>Academic</td>
<td>Construction</td>
<td>Downtown Campus</td>
<td>Academic Building</td>
<td>$8,900,000</td>
<td>$11,200,000</td>
<td>$13,500,000</td>
<td>$15,800,000</td>
<td>$20,100,000</td>
<td>$66,700,000</td>
<td>$88,400,000</td>
</tr>
<tr>
<td>6</td>
<td>Academic</td>
<td>Construction</td>
<td>West Campus</td>
<td>Science Building</td>
<td>$3,200,000</td>
<td>$3,700,000</td>
<td>$4,200,000</td>
<td>$4,700,000</td>
<td>$5,200,000</td>
<td>$21,500,000</td>
<td>$27,000,000</td>
</tr>
<tr>
<td>7</td>
<td>Academic</td>
<td>Construction</td>
<td>East Campus</td>
<td>Recreation Facility</td>
<td>$4,000,000</td>
<td>$4,500,000</td>
<td>$5,000,000</td>
<td>$5,500,000</td>
<td>$6,000,000</td>
<td>$22,500,000</td>
<td>$28,000,000</td>
</tr>
<tr>
<td>R, 9</td>
<td>Academic</td>
<td>Construction</td>
<td>Central Campus</td>
<td>Athletics Complex</td>
<td>$4,000,000</td>
<td>$4,500,000</td>
<td>$5,000,000</td>
<td>$5,500,000</td>
<td>$6,000,000</td>
<td>$22,500,000</td>
<td>$28,000,000</td>
</tr>
<tr>
<td>10</td>
<td>Academic</td>
<td>Construction</td>
<td>North Campus</td>
<td>Science Building</td>
<td>$4,000,000</td>
<td>$4,500,000</td>
<td>$5,000,000</td>
<td>$5,500,000</td>
<td>$6,000,000</td>
<td>$22,500,000</td>
<td>$28,000,000</td>
</tr>
<tr>
<td>11</td>
<td>Academic</td>
<td>Construction</td>
<td>South Campus</td>
<td>Science Building</td>
<td>$4,000,000</td>
<td>$4,500,000</td>
<td>$5,000,000</td>
<td>$5,500,000</td>
<td>$6,000,000</td>
<td>$22,500,000</td>
<td>$28,000,000</td>
</tr>
<tr>
<td>12</td>
<td>Academic</td>
<td>Construction</td>
<td>North Campus</td>
<td>Science Building</td>
<td>$4,000,000</td>
<td>$4,500,000</td>
<td>$5,000,000</td>
<td>$5,500,000</td>
<td>$6,000,000</td>
<td>$22,500,000</td>
<td>$28,000,000</td>
</tr>
<tr>
<td>13</td>
<td>Academic</td>
<td>Construction</td>
<td>East Campus</td>
<td>Science Building</td>
<td>$4,000,000</td>
<td>$4,500,000</td>
<td>$5,000,000</td>
<td>$5,500,000</td>
<td>$6,000,000</td>
<td>$22,500,000</td>
<td>$28,000,000</td>
</tr>
<tr>
<td>14</td>
<td>Academic</td>
<td>Construction</td>
<td>West Campus</td>
<td>Science Building</td>
<td>$4,000,000</td>
<td>$4,500,000</td>
<td>$5,000,000</td>
<td>$5,500,000</td>
<td>$6,000,000</td>
<td>$22,500,000</td>
<td>$28,000,000</td>
</tr>
<tr>
<td>15</td>
<td>Academic</td>
<td>Construction</td>
<td>Central Campus</td>
<td>Athletics Complex</td>
<td>$4,000,000</td>
<td>$4,500,000</td>
<td>$5,000,000</td>
<td>$5,500,000</td>
<td>$6,000,000</td>
<td>$22,500,000</td>
<td>$28,000,000</td>
</tr>
<tr>
<td>16</td>
<td>Academic</td>
<td>Construction</td>
<td>North Campus</td>
<td>Recreation Facility</td>
<td>$4,000,000</td>
<td>$4,500,000</td>
<td>$5,000,000</td>
<td>$5,500,000</td>
<td>$6,000,000</td>
<td>$22,500,000</td>
<td>$28,000,000</td>
</tr>
<tr>
<td>17</td>
<td>Academic</td>
<td>Construction</td>
<td>South Campus</td>
<td>Recreation Facility</td>
<td>$4,000,000</td>
<td>$4,500,000</td>
<td>$5,000,000</td>
<td>$5,500,000</td>
<td>$6,000,000</td>
<td>$22,500,000</td>
<td>$28,000,000</td>
</tr>
<tr>
<td>18</td>
<td>Academic</td>
<td>Construction</td>
<td>East Campus</td>
<td>Recreation Facility</td>
<td>$4,000,000</td>
<td>$4,500,000</td>
<td>$5,000,000</td>
<td>$5,500,000</td>
<td>$6,000,000</td>
<td>$22,500,000</td>
<td>$28,000,000</td>
</tr>
</tbody>
</table>

**TOTALS:** $80,106,000

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- **ISSUE DATE:** 14 JUNE 2012
- **ADOPTION DATE:** 30 JUNE 2012
FOURTH AMENDMENT TO SUBLEASE AGREEMENT

Between

The University of West Florida Board of Trustees
("Landlord")

and

University of West Florida Foundation, Inc.
a Florida corporation not-for-profit ("Tenant")
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FOURTH AMENDMENT TO SUBLEASE AGREEMENT

This FOURTH AMENDMENT TO SUBLEASE AGREEMENT ("Fourth Amendment") is made as of the ___ day of ___, 2014, between the University of West Florida Board of Trustees, for and on behalf of the University of West Florida ("Landlord"), and University of West Florida Foundation, Inc., a Florida corporation not-for-profit, with its principal place of business at 11000 University Parkway, Pensacola, Florida ("Tenant").

WHEREAS, Landlord is authorized to enter this Fourth Amendment pursuant to Section 1013.171, Florida Statutes, and Lease Agreement No. 2722 between the State of Florida Board of Trustees of the Internal Improvement Trust Fund (the “Trustees”) and the Board of Regents of the State of Florida, dated January 22, 1974, as amended from time to time, and as modified by that certain Lease Modification Agreement by and between the Trustees and the University of West Florida Board of Trustees dated as of February 1, 2007 (the “Lease Modification Agreement”); and

WHEREAS, Landlord (through its predecessors in interest) and Tenant previously have entered into a Sublease Agreement dated as of September 1, 1998 (the “Original Sublease”), as amended by a First Amendment to Sublease Agreement dated as of October 1, 1999 (the “First Amendment to Sublease”), as further amended by a Second Amendment to Sublease Agreement dated as of August 1, 2002 (the “Second Amendment to Sublease”) and a Third Amendment to Sublease Agreement dated as of April 1, 2009 (the “Third Amendment to Sublease”) (the Original Sublease, as amended, being herein referred to from time to time as the “Foundation Sublease”) with respect to the lease of certain property upon which Tenant has caused to be constructed certain student housing facilities that are operated and maintained as the Student Housing System for the University of West Florida (the “University”); and

WHEREAS, the University has determined a genuine need to construct certain additional student housing facilities which will constitute a part of the Student Housing System (the “2016 Project,” as herein described), located upon the real property described herein as the “2016 Project Property”; and

WHEREAS, the Tenant has agreed to construct and operate the 2016 Project as a part of the Student Housing System on behalf of the University and has agreed that the Foundation Sublease should be amended to provide that it will sublease from the University the 2016 Project Property in accordance therewith; and

WHEREAS, the Tenant has issued its revenue obligations to provide financing for such 2016 Project (the “2016 Obligations”);
NOW THEREFORE, IN CONSIDERATION OF the mutual duties and obligations hereby imposed and for other good and valuable consideration the receipt of which is hereby acknowledged,

W I T N E S S E T H:

Landlord and Tenant agree that the Original Sublease shall be amended as follows:

SECTION 1. DEMISED PROPERTY.

The description of the “Property” leased to Tenant set forth in the Foundation Sublease is hereby amended to include the real property specifically described on Schedule 1 attached hereto (the “2016 Project Property”).

SECTION 2. APPROVAL OF 2016 OBLIGATIONS.

The Landlord hereby acknowledges the issuance of the 2016 Obligations by the Foundation and approves such 2016 Obligations for purposes of the Foundation Sublease.

SECTION 3. TERM.

The term of this Fourth Amendment shall commence on the date of execution of this Fourth Amendment and shall end as provided for the Property in Article II of the Original Sublease, as amended.

SECTION 4. CONSTRUCTION OF 2016 PROJECT.

The 2016 Project will be acquired, installed, constructed and equipped in accordance with the requirements of the Foundation Sublease and applicable law, at the cost of the Tenant.

SECTION 5. AMENDMENT OF FOUNDATION SUBLEASE.

References to the various consents and approvals required of the Trustees are deleted as no longer applicable due to the operation of the Lease Modification Agreement. Notices to the Trustee specified in the Foundation Sublease shall be delivered to:
SECTION 6. CONTINUANCE OF FOUNDATION SUBLEASE.

Except as specifically amended hereby, the Original Sublease, as amended by the First Amendment to Sublease and the Second Amendment to Sublease, shall continue in full force and effect, and each provision of the Foundation Sublease shall apply to the 2016 Project and the 2016 Project Property to the full extent as such provisions apply to the Property and the Student Housing System pursuant to the Foundation Sublease and to the same extent as if set forth in full herein.
IN WITNESS WHEREOF, Landlord and Tenant have hereunto set their hands and seals as of the day and year first above written.

THE UNIVERSITY OF WEST FLORIDA
BOARD OF TRUSTEES, FOR AND ON BEHALF OF THE UNIVERSITY OF WEST FLORIDA
“Landlord”

WITNESSES:

______________________________ By:______________________________
______________________________ Name:______________________________
______________________________ Title:______________________________

______________________________
______________________________

ATTEST:

[CORPORATE SEAL]

By:______________________________

Name:______________________________
Title:______________________________
UNIVERSITY OF WEST FLORIDA FOUNDATION, INC.
"Tenant"

WITNESSES:

______________________________ By:____________________________________
______________________________ Name: ___________________
Title: President_____________________

______________________________
______________________________
______________________________

ATTEST:

[CORPORATE SEAL]

By:_________________________________
Name:______________________________
Title:_______________________________
STATE OF FLORIDA

COUNTY OF ESCAMBIA

This Instrument was acknowledged before me this ______ day of ______________, by ____________________________, as ____________________________, of the University of West Florida, who is (____) personally known to me or who (______________________) has produced as identification.

_______________________________________
NOTARY PUBLIC

_______________________________________
Printed/Typed Name

My Commission
Expires:__________________
STATE OF FLORIDA

COUNTY OF ESCAMBIA

This Instrument was acknowledged before me this _________ day of ________________, by ________________, ___________ of the University of West Florida Foundation, Inc., a Florida not-for-profit corporation, on behalf of the corporation, who is (XX) personally known to me or who (______) has produced as identification.

______________________________
NOTARY PUBLIC

______________________________
Printed/Typed Name

My Commission
Expires: ____________________
SCHEDULE "I" - 2016 PROJECT PROPERTY
UNIVERSITY POLICY

Policy Title: Electronic Funds Transfer Policy

Originator: Dr. Susan Stephenson, Vice President and CFO

Responsible Office: Business, Finance, and Facilities

Reason for Policy/Purpose:

Electronic Funds Transfer ("EFT") is defined as the transmission of an electronic message to a financial institution instructing it to make an electronic entry reflecting the transfer of ownership of funds from one depositor to another. This policy is adopted pursuant to the requirements of Section 1010.11, Florida Statutes, and sets forth the University's written policies prescribing the accounting and control procedures under which any funds under its control are allowed to be moved by electronic transaction for any purpose, including direct deposit, wire transfer, withdrawal, or investment.

Policy Statement:

The University of West Florida Board of Trustees (the "Board") delegated to the President of the University the authority to operate and administer the University in accordance with applicable law, and with the resolutions, regulations and policies of the Board and of the Board of Governors of the State University System. The execution of policies concerning the handling of University funds is delegated to administrative agents who act under the President's supervision.

The University's Financial Services Office is responsible for the daily management of University bank balances and the general oversight of EFT activity. The University Controller is specifically designated to assist the Board in matters concerning funds handling. Periodically, the University Controller designates staff authorized to initiate and approve EFTs on behalf of the University.

Electronic Funds Transfer can be accomplished via the Automated Clearing House ("ACH") or wire transfer. ACH is the University's preferred mechanism, but wire transfer is acceptable when conditions do not support the use of ACH. Except in rare circumstances, both ACH and wire transfers are processed through on-line banking software provided by the University's banking partner.

Procedures:

To promote the safety of University funds in the electronic funds transfer environment, the following procedures will be adhered to:

1. The procedure to initiate an EFT is subject to the same financial policies, procedures, and controls that govern disbursement by any other means.

2. EFT transactions will not be made without proper authorization of affected parties in accordance with federal and state statute and accepted business practices.
3. The University will provide to the disbursing bank a list of the names and titles of persons authorized by the University to initiate Electronic Funds Transfer Requests (authorized representatives), as well as associated transfer limits. The disbursing bank will be notified in a timely fashion of any changes to this list.

4. All EFTs should be initiated by computer-based systems. Phone transfers should be used only as back-up in an emergency. Phone transfers, except for transfers between university accounts, will require approval by an authorized representative other than the initiator.

5. The mechanism by which EFT requests are communicated to the disbursing bank will have adequate controls to prevent unauthorized access to both the system and to its various functionalities. These controls should include password protected user accounts, Personal Identification Numbers (PINs), and a designated security administrator role.

The security administrator shall ensure that adequate separation of duties exists in accordance with accepted internal control standards and will protect the integrity of system user profiles. This includes assigning system IDs to users, changing user IDs as necessary, and assisting users with technical problems related to the EFT system. In addition, the Security Administrator will assign access to functions to users and is authorized to lock out personnel as directed by the Controller.

6. Requests for the electronic transfer of funds, other than transfers among the University's various bank accounts within the same financial institution, require approval by an authorized representative other than the initiator. In no case will an individual have the capability to initiate, approve, and record an EFT to the General Ledger.

7. Because EFTs between University bank accounts have reduced risk, the Financial Services Office may use EFT on a routine basis to concentrate funds for payment and investment purposes. Although risks are minimal for transfers between University accounts, reasonable controls should exist with regard to authorization, reconciliation, and review of these transactions.

8. Where EFT’s are recurring, the security administrator will initiate the establishment of a template with receiving and disbursing bank information that may not be altered by those assigned to its use. The set-up of and modifications to these templates will require the signature of two authorized University signatories.

9. Bank balances will be monitored daily for unusual or unexpected transactions.

10. Reconciliation of banking activity to the General Ledger will be accomplished in a timely manner with investigation and resolution of reconciling items.
Change Justification:

This policy is being updated to show that the responsible Office is the Division of Business, Finance, and Facilities. No substantive changes are made.

Authority and Related Documents: Section 1010.11, Florida Statutes.

APPROVED: 

Dr. Judith A. Bense, President

Date: 6/20/14

History: Revised June 2014; adopted May 2010.
Electronic Funds Transfer Policy

Electronic Funds Transfer (EFT) is defined as the transmission of an electronic message to a financial institution instructing it to make an electronic entry reflecting the transfer of ownership of funds from one depositor to another. This policy is adopted pursuant to the requirements of Section 1010.11, Florida Statutes, and sets forth the University’s written policies prescribing the accounting and control procedures under which any funds under its control are allowed to be moved by electronic transaction for any purpose, including direct deposit, wire transfer, withdrawal, or investment.

Policy Statement:

The University of West Florida Board of Trustees (the “Board”) delegated to the President of the University the authority to operate and administer the University in accordance with applicable law, and with the resolutions, regulations and policies of the Board and of the Board of Governors of the State University System. The execution of policies concerning the handling of University funds is delegated to administrative agents who act under the President’s supervision.

The University’s Financial Services Office is responsible for the daily management of University bank balances and the general oversight of EFT activity. The University Controller is specifically designated to assist the Board in matters concerning funds handling. Periodically, the University Controller designates staff authorized to initiate and approve EFTs on behalf of the University.

Electronic Funds Transfer can be accomplished via the Automated Clearing House (ACH) or wire transfer. ACH is the University’s preferred mechanism, but wire transfer is acceptable when conditions do not support the use of ACH. Except in rare circumstances, both ACH and wire transfers are processed through on-line banking software provided by the University’s banking partner.
**ELECTRONIC FUNDS TRANSFER PROCEDURES**

**Procedures:**

To promote the safety of University funds in the electronic funds transfer environment, the following procedures will be adhered to:

1. The procedure to initiate an EFT is subject to the same financial policies, procedures, and controls that govern disbursement by any other means.

2. EFT transactions will not be made without proper authorization of affected parties in accordance with federal and state statute and accepted business practices.

3. The University will provide to the disbursing bank a list of the names and titles of persons authorized by the University to initiate Electronic Funds Transfer Requests (authorized representatives), as well as associated transfer limits. The disbursing bank will be notified in a timely fashion of any changes to this list.

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8. Where EFT’s are recurring, the security administrator will initiate the establishment of a template with receiving and disbursing bank information that may not be altered by those assigned to its use. The set-up of and modifications to these templates will require the signature of two authorized University signatories.

9. Bank balances will be monitored daily for unusual or unexpected transactions.

10. Reconciliation of banking activity to the General Ledger will be accomplished in a timely manner with investigation and resolution of reconciling items.

Approved By: _____________________________

Change Justification:

This policy is being updated to show that the responsible Office is the Division of Business, Finance, and Facilities. No substantive changes are made.

Authority and Related Documents: Section 1010.11, Florida Statutes.

APPROVED: ______________________________ Date: __________________

Dr. Judith A. Bense, President

History: Revised June 2014; adopted May 2010.
1010.11 Electronic transfer of funds.—Pursuant to the provisions of s. 215.85, each district school board, Florida College System institution board of trustees, and university board of trustees shall adopt written policies prescribing the accounting and control procedures under which any funds under their control are allowed to be moved by electronic transaction for any purpose including direct deposit, wire transfer, withdrawal, investment, or payment. Electronic transactions shall comply with the provisions of chapter 668.

A RESOLUTION AUTHORIZING THE ISSUANCE OF DEBT AND REQUESTING THE FLORIDA BOARD OF GOVERNORS TO APPROVE THE ISSUANCE OF SUCH DEBT TO FINANCE THE CONSTRUCTION OF STUDENT HOUSING FACILITIES ON THE CAMPUS OF THE UNIVERSITY OF WEST FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF TRUSTEES:

Section 1. The Board of Trustees (the "Board of Trustees") of the University of West Florida (the "University") hereby authorizes the issuance of debt by The University of West Florida Foundation, Inc. (the "Foundation") and requests the Florida Board of Governors (the "Board of Governors") to approve the issuance of debt in an amount not exceeding $23,000,000 (twenty-three million dollars) (the "New Money Debt") for the purpose of financing a portion of the cost of the construction of an approximately 270 (two hundred and seventy) bed student housing facility (the "Project") on the campus of the University, together with an amount not exceeding $16,000,000 (sixteen million dollars) (the "Refunding Debt") for the purpose of refinancing on a current basis the outstanding Escambia County Housing Finance Authority Dormitory Refunding Revenue Bonds (University of West Florida Foundation, Inc. Project), Series 2005 (the "Refunded Bonds") in the event that debt service savings can be obtained without extension of the remaining life of the Refunded Bonds.

Section 2. The Project will consist of an approximately 88,500 (eight-eight thousand, five hundred) square foot student housing facility to provide between 250 (two hundred and fifty) and 300 (three hundred) beds including enhanced community space and food service facilities designed to serve the Project and the surrounding residential core. The Project is reflected on the approved master plan for the University and is consistent with the mission of the University because it will provide needed infrastructure and enhanced student life opportunities for the students of the University. Construction of the Project is expected to begin in the winter of 2014 and be completed by August of 2016. Proceeds of the New Money Debt, together with certain moneys set aside for capital improvements in the student housing system accounts, are expected to be sufficient to complete the construction of the Project. Legislative approval of the Project has been obtained pursuant to Section 1010.62, Florida Statutes. No proceeds of the New Money Debt or the Refunding Debt (collectively, the "Debt") will be used to finance operating expenses of the University or the Foundation.

Section 3. The Debt is to be secured by a lien upon the net revenues of the student housing system of the University. The University is legally authorized to secure the Debt with the revenues to be pledged pursuant to Section 1010.62, Florida Statutes. The University is also committed to ensuring that sufficient revenues will be generated to fulfill the University's obligations with respect to the Debt.

Section 4. The Debt will mature not more than 30 (thirty) years after issuance, including any extensions or renewals thereof. The Project has an estimated useful life of 50
Debt issues-2014 Traditional Track
UBOT Refunding Resolution 8.7.14

Section 5. It is anticipated that the Foundation will arrange for the sale of the Debt through a negotiated public sale or competitive private placement. It is anticipated that a negotiated sale or competitive private placement will be necessary due to uncertainty in the public bond markets and the relatively small size of the Debt to be issued. An analysis showing that a negotiated sale is desirable is attached in Appendix A. Any selection of financial advisors will be accomplished through a competitive selection process. Any selection of underwriters will be accomplished through a competitive selection process. Any bond insurance or other credit enhancement will be chosen through a competitive selection process analyzing the cost of the insurance or credit enhancement and the expected interest cost savings resulting from their use.

Section 6. The Board of Trustees will comply, and will require the University and the Foundation to comply, with all requirements of federal and state law relating to the Debt, including but not limited to, laws relating to maintaining the exemption from taxation of interest payments on the Debt and continuing secondary market disclosure of information regarding the Debt.

Section 7. The Chair and Vice-Chair of the Board of Trustees, the President, Vice-President for Student Affairs, General Counsel, and other authorized representatives of the University and the Board of Trustees, and the President, Vice President, Chief Financial Officer and other authorized representatives of the Foundation, are hereby authorized to take all actions and steps, to execute all instruments, documents, and contracts, and to take all other actions as they may deem necessary or desirable, in connection with the execution, sale and delivery of the Debt.

Section 8. In making the determination to finance the Project, the Board of Trustees has reviewed the information described in the attached Appendix A and finds that the issuance of the Debt is in compliance with the Debt Management Guidelines, the university’s debt management policy, and applicable law.

Section 9. It is intended that this resolution will constitute a declaration of official intent under U.S. Treas. Reg. 1.150-2 (the "Reimbursement Regulation") with respect to Project expenditures to which the Reimbursement Regulations apply, to evidence the University's reasonable expectation that such expenditures will be made from money temporarily advanced from available moneys of the student housing system and other legally available funds and will be reimbursed from the proceeds of the Debt. This declaration supplements the declaration previously made with respect to this Project by resolution adopted March 19, 2013.
Section 10. This Resolution shall take effect immediately upon its adoption.

Adopted this _____ day of ______, 2014.

UNIVERSITY OF WEST FLORIDA BOARD OF TRUSTEES

By: _____________________________________
Chair

CERTIFICATE OF THE CORPORATE SECRETARY

The undersigned President of the University of West Florida and Corporate Secretary of the University of West Florida Board of Trustees, does hereby certify that the attached resolution relating to student housing facilities is a true and accurate copy as adopted by the University of West Florida Board of Trustees on ______, 2014, as such resolution appears in the official records of the Board of Trustees.

IN WITNESS WHEREOF, I hereunto set my hand and the official seal of the University of West Florida Board of Trustees this ___ day of ______ 2014.

________________________________________
President, ex-officio Secretary
Appendix A

The following documents have been reviewed by the Board of Trustees prior to the execution of this Resolution:

a. the project program, feasibility study, or consultant report;

b. a draw schedule for the project;

c. sources and uses of funds for the project;

d. an estimated debt service schedule;

e. debt service schedules for any outstanding debt with a lien on the pledged revenues;

f. a schedule showing estimated compliance with any additional bonds requirement set forth in the documents governing the outstanding debt;

g. a description of the security supporting repayment and the lien position the debt will have on that security;

h. a five year history and a five year projection of the pledged revenues and the debt service coverage;

i. any negotiated sale analysis;

j. a schedule showing expected savings to be accomplished by the Refunding Debt transaction.
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 and as may be established in Board of Governors’ regulations. This regulation supersedes the delegation of authority to the boards of trustees contained in the Board of Governors’ Resolution dated January 7, 2003. The intent of this regulation is to delegate powers and duties to the university boards of trustees so that the university boards have all of the powers and duties necessary and appropriate for the direction, operation, management, and accountability of each state university.

(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 a Board of Governors 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 and may be reappointed for subsequent terms, 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. Any exception to this term of office must be approved by a two-thirds vote of the board of trustees. 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 or the Governor, as applicable, in writing whenever a board member has three consecutive unexcused absences from regular board meetings in any fiscal year, which may be grounds for removal.

(c) The university president shall serve as the chief executive officer and corporate secretary of the board of trustees and shall be responsible to the board of trustees for all operations of the university and for setting the agenda for meetings of the board of trustees in consultation with the chair.
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.

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

Each board of trustees shall be a public body corporate with all the powers of a body corporate, including the power 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 on a university designee.

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.

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.

University Administration and Oversight.

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

Each board of trustees may establish committees of the board to address matters including, but not limited to, academic and student affairs, strategic planning, finance, audit, property acquisition and construction, personnel, and budgets.

Each board of trustees shall adopt a strategic plan in alignment with the Board of Governors’ systemwide strategic plan and regulations, and the university’s mission. University strategic plans shall be submitted to the Board of Governors for approval.

Each board of trustees shall prepare a multi-year workplan/report for 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 workplan/report 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.

Each board of trustees shall have a policy addressing conflicts of interest for its members.
(f) Each board of trustees shall maintain an effective information system to provide accurate, timely, and cost-effective information about the university, and shall require that all data and reporting requirements of the Board of Governors are met.

(g) Each board of trustees may promulgate regulations and procedures related to data and technology, including information systems, communications systems, computer hardware and software, and networks.

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

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

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

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

(l) 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.

(m) 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.

4) Academic Programs and Student Affairs.

(a) Each board of trustees shall adopt university regulations or policies, as appropriate, in areas including, but not limited to:
   1. authorization and discontinuance of degree programs;
   2. articulation and access;
   3. admission and enrollment of students;
   4. minimum academic performance standards for the award of a degree;
   5. student financial assistance;
   6. student activities and organizations;
   7. student records and reports;
   8. antihazing, related penalties, and program for enforcement;
   9. reasonable accommodation of religious observances; and
   10. uniform student code of conduct and related penalties.

Such regulations or policies shall be consistent with any applicable Board of Governors’ regulations.

(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 require that institutional control and oversight of its intercollegiate athletics program is in compliance with the rules and regulations of the National Collegiate Athletic Association. The university president is responsible for the administration of all aspects of the intercollegiate athletics program.

5) Personnel.

a) Each board of trustees shall provide for the establishment of the personnel program for all the employees of the university, including the president, which may include but is not limited to: compensation and other conditions of employment, recruitment and selection, nonreappointment, standards for performance and conduct, evaluation, benefits and hours of work, leave policies, recognition and awards, inventions and works, travel, learning opportunities, exchange programs, academic freedom and responsibility, promotion, assignment, demotion, transfer, tenure, and permanent status, ethical obligations and conflicts of interest, restrictive covenants, disciplinary actions, complaints, appeals and grievance procedures, and separation and termination from employment. To the extent allowed by law, university employees shall continue to be able to participate in the state group insurance programs and the state retirement systems.

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, and shall serve as the legislative body for the resolution of impasses with regard to collective bargaining matters.

c) Each board of trustees shall select its university president subject to confirmation of the candidate by the Board of Governors. A presidential search committee shall be appointed to make recommendations to the full board of trustees. The board of trustees shall select a candidate for confirmation by the Board of Governors. Prior to confirmation, the board of trustees shall submit a written description of the selection process and criteria, and the qualifications of the selected candidate to the Board of Governors for its consideration in confirming the candidate. The candidate selected by the board of trustees shall be required to appear before the Board of Governors at the meeting where confirmation of the candidate will be considered. Such meeting will be held as soon as practicable to ensure a timely transition. A two-thirds vote of the Board of Governors shall
be required to deny confirmation of a candidate selected by a board of trustees.

(d) In the event that a board of trustees selects an interim president, such selection is subject to confirmation of the candidate by the Board of Governors. If it is determined by the board of trustees to be in the best interests of the university, the interim president selected by the board may be delegated full authority to serve as the interim president during the period prior to confirmation by the Board of Governors. Continued service as interim president requires confirmation by the Board of Governors, and the candidate selected by the board of trustees shall be required to appear before the Board of Governors at the meeting where confirmation will be considered. Such meeting will be held as soon as practicable to ensure a timely transition.

(e) Each board of trustees shall develop guidelines for the annual evaluation of the president.

(f) Each board of trustees shall conduct an annual evaluation of the president. The chair of the board of trustees shall request input from the Chair of the Board of Governors, who may involve 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 and acceptance by the board of trustees, or its designee.

(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) Each board of trustees and university direct support organization must obtain prior approval from the Board of Governors before entering into a binding contractual obligation to improve real property that will result in the board or the direct support organization seeking a commitment of state funds for the development, construction, operation, or maintenance of an educational or research facility.

(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, and 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.

(c) With respect to state-funded real property acquisitions, 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.

1. The board of trustees may secure appraisals and surveys in accordance with the policies and procedures of the Board of Trustees of the Internal Improvement Trust Fund. Whenever the board of trustees finds it necessary for timely property acquisition, it may contract, without the need for competitive selection, with one or more appraisers whose names are contained on the list of approved appraisers maintained by the Division of State Lands in the Department of Environmental Protection.

2. The board of trustees may negotiate and enter into an option contract before an appraisal is obtained. The option contract must state that the final purchase price may not exceed the
maximum value allowed by law. The consideration for such an option contract may not exceed 10 percent of the estimate obtained by the board of trustees or 10 percent of the value of the parcel, whichever is greater, unless otherwise authorized by the board of trustees.

3. Title to property acquired by a university board of trustees prior to January 7, 2003, and to property acquired thereafter with state funds shall vest in the Board of Trustees of the Internal Improvement Trust Fund. With respect to all other real property acquired by a university, such property shall be titled in the name of the university board of trustees, or as the trustees of the university may deem appropriate.

(d) Each board of trustees shall submit to the Board of Governors, for approval, plans for all new campuses and instructional centers.

(e) Each board of trustees shall administer a program for the maintenance and construction of facilities.

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

(g) Each board of trustees shall be responsible for the use, maintenance, protection, and control of, and the imposition of charges for, 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.

(h) 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, in such event, 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.
(i) Each board of trustees shall prepare and adopt a campus master plan pursuant to section 1013.30, Florida Statutes.

(j) Each board of trustees shall prepare, adopt, and execute a campus development agreement pursuant to section 1013.30, Florida Statutes.

(k) Each board of trustees may authorize the rent or lease of parking facilities, provided that such facilities are funded through parking fees or parking fines imposed by a university. A board of trustees may authorize a university to charge fees for parking at such rented or leased parking facilities and parking fines.

(l) Each board of trustees shall promulgate regulations that establish basic criteria related to the procurement of commodities and contractual services.

(m) Each board of trustees shall be responsible for the fire safety and sanitation of public educational and ancillary plants.

(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 and certify them to use university property, facilities, and services.

(c) Each board of trustees may establish educational research centers for child development.

(d) Each board of trustees is authorized to protect, develop, and transfer the work products of university personnel and other university agents and contractors, which authority shall include but not be limited to licensing, assigning, selling, leasing, or otherwise allowing the use of or conveying such work products and securing and enforcing patents, copyrights, and trademarks on such products. Each board of trustees shall have policies and procedures concerning the work products of university personnel that facilitate technology development and transfer for the public benefit. Such policies must include, without limitation, provisions that take into account the contributions of university personnel in the development of work products and that require any proceeds from such work products be used to support the research and sponsored training programs of the university.
(e) Each board of trustees is responsible for compliance with all applicable laws, rules, regulations, and requirements.

(f) Each board of trustees shall perform such other duties as provided by the Board of Governors, or as each board of trustees may determine are necessary or appropriate for the administration of the university so long as the trustees comply with any applicable laws and Board of Governors’ regulations and policies.

Authority: Section 7(c), Art. IX, Fla. Const.; History: Resolution 1-07-03, New 3-26-09, Amended 09-16-10.
A RESOLUTION AUTHORIZING THE ISSUANCE OF DEBT AND REQUESTING THE FLORIDA BOARD OF GOVERNORS TO APPROVE THE ISSUANCE OF SUCH DEBT TO FINANCE THE CONSTRUCTION OF STUDENT HOUSING FACILITIES ON THE CAMPUS OF THE UNIVERSITY OF WEST FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF TRUSTEES:

Section 1. The Board of Trustees (the "Board of Trustees") of the University of West Florida (the "University") hereby authorizes the issuance of debt by The University of West Florida Foundation, Inc. (the "Foundation") and requests the Florida Board of Governors (the "Board of Governors") to approve the issuance of debt in an amount not exceeding $23,000,000 (twenty-three million dollars) (the "Debt") for the purpose of financing a portion of the cost of the construction of an approximately 270 (two hundred and seventy) bed student housing facility (the "Project") on the campus of the University.

Section 2. The Project will consist of an approximately 88,500 (eight-eight thousand, five hundred) square foot student housing facility to provide between 250 (two hundred fifty) and 300 (three hundred) beds including enhanced community space and food service facilities designed to serve the Project and the surrounding residential core. The Project is reflected on the approved master plan for the University and is consistent with the mission of the University because it will provide needed infrastructure and enhanced student life opportunities for the students of the University. Construction of the Project is expected to begin in the winter of 2014 and be completed by August of 2016. Proceeds of the Debt, together with certain moneys set aside for capital improvements in the student housing system accounts, are expected to be sufficient to complete the construction of the Project. Legislative approval of the Project has been obtained pursuant to Section 1010.62, Florida Statutes. No proceeds of the Debt will be used to finance operating expenses of the University or the Foundation.

Section 3. The Debt is to be secured by a lien upon the net revenues of the student housing system of the University. The University is legally authorized to secure the Debt with the revenues to be pledged pursuant to Section 1010.62, Florida Statutes. The University is also committed to ensuring that sufficient revenues will be generated to fulfill the University's obligations with respect to the Debt.

Section 4. The Debt will mature not more than 30 (thirty) years after issuance, including any extensions or renewals thereof. The Project has an estimated useful life of 50 (fifty) years, which is beyond the anticipated final maturity of the Debt. The Debt will bear interest at a fixed interest rate.

Section 5. The Debt will be sold through a negotiated sale. It is anticipated that a negotiated sale will be necessary due to uncertainty in the public bond markets and the relatively small size of the Debt to be issued. An analysis showing that a negotiated sale is desirable is attached in Appendix A. Any selection of financial advisors will be accomplished
through a competitive selection process. Any selection of underwriters will be accomplished through a competitive selection process. Any bond insurance or other credit enhancement will be chosen through a competitive selection process analyzing the cost of the insurance or credit enhancement and the expected interest cost savings resulting from their use.

Section 6. The Board of Trustees will comply, and will require the University and the Foundation to comply, with all requirements of federal and state law relating to the Debt, including but not limited to, laws relating to maintaining the exemption from taxation of interest payments on the Debt and continuing secondary market disclosure of information regarding the Debt.

Section 7. The Chair and Vice-Chair of the Board of Trustees, the President, Vice-President for Student Affairs, General Counsel, and other authorized representatives of the University and the Board of Trustees, and the President, Vice President, Chief Financial Officer and other authorized representatives of the Foundation, are hereby authorized to take all actions and steps, to execute all instruments, documents, and contracts, and to take all other actions as they may deem necessary or desirable, in connection with the execution, sale and delivery of the Debt.

Section 8. In making the determination to finance the Project, the Board of Trustees has reviewed the information described in the attached Appendix A and finds that the issuance of the Debt is in compliance with the Debt Management Guidelines, the university's debt management policy, and applicable law.

Section 9. It is intended that this resolution will constitute a declaration of official intent under U.S. Treas. Reg. 1.150-2 (the "Reimbursement Regulation") with respect to Project expenditures to which the Reimbursement Regulations apply, to evidence the University's reasonable expectation that such expenditures will be made from money temporarily advanced from available moneys of the student housing system and other legally available funds and will be reimbursed from the proceeds of the Debt.

Section 10. This Resolution shall take effect immediately upon its adoption.

Adopted this _____ day of ______, 2014.

UNIVERSITY OF WEST FLORIDA BOARD OF TRUSTEES

By: ________________________________

Chair
CERTIFICATE OF THE CORPORATE SECRETARY

The undersigned President of the University of West Florida and Corporate Secretary of the University of West Florida Board of Trustees, does hereby certify that the attached resolution relating to student housing facilities is a true and accurate copy as adopted by the University of West Florida Board of Trustees on _______, 2014, as such resolution appears in the official records of the Board of Trustees.

IN WITNESS WHEREOF, I hereunto set my hand and the official seal of the University of West Florida Board of Trustees this ___ day of _____ 2014.

____________________________
President, ex-officio Secretary
Appendix A

The following documents have been reviewed by the Board of Trustees prior to the execution of this Resolution:

a. the project program, feasibility study, or consultant report;

b. a draw schedule for the project;

c. sources and uses of funds for the project;

d. an estimated debt service schedule;

e. debt service schedules for any outstanding debt with a lien on the pledged revenues;

f. a schedule showing estimated compliance with any additional bonds requirement set forth in the documents governing the outstanding debt;

g. a description of the security supporting repayment and the lien position the debt will have on that security;

h. a five year history and a five year projection of the pledged revenues and the debt service coverage;

i. any negotiated sale analysis.
UNIVERSITY OF WEST FLORIDA
NOTICE OF PROPOSED AMENDMENT TO REGULATION

REGULATION TITLE: UWF/REG 6.002-Leasing Program

SUMMARY: The proposed amendment ….

AUTHORITY: BOG Regulations 1.001 and 17.001.

NAME OF UNIVERSITY OFFICIAL INITIATING PROPOSED REGULATION AMENDMENT:

Angela Jones, Procurement Director

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: James Felder, Associate General Counsel, jfelder@uwf.edu, Phone (850) 474-3420; FAX (850) 857-6058; Bld. 10/Rm 114; 11000 University Parkway; Pensacola, FL 32514-5750. Any comments regarding the proposed regulation amendment must be sent in writing to the contact person on or before ____________, 2014 to receive full consideration.

THE DATE THIS NOTICE WAS POSTED ON THE UWF BOARD OF TRUSTEES WEBSITE:

THE DATE THIS NOTICE WAS PUBLISHED IN “@UWF”:

THE FULL TEXT OF THE PROPOSED AMENDMENT TO THIS REGULATION IS SET FORTH BELOW:
University of West Florida Regulations
UWF/REG-6.002 Leasing Program.

(1) Purpose – The purpose of this regulation is to implement the delegated leasing authority from the Board of Governors received by the University of West Florida ("UWF") in accordance with BOG Regulation 17.001 regarding the leasing of space. Section 1001.74, Florida Statutes.

(2) The UWF Board of Trustees or designee(s) may enter into leases for space in a building or any part of a building for use by the university or one of its direct-support organizations, including those leases in a research and development park with which the university is affiliated. Leases subject to s. 1010.62 F.S. must be approved by the Board of Governors, in accordance with the Board of Governors Debt Management Guidelines. Definitions. For the purpose of this regulation, each of these words shall have the following meaning:

(a) Lease – The contract instrument or agreement required to lease a building or any part thereof.

(b) Privately Owned – Any building not owned by a governmental agency or by a Direct Support Organization of the University.

(3) Approval – Before leasing a building or any part thereof, prior approval of the need and lease terms shall be obtained from The Vice President for Business, Finance, and Facilities or designee(s). Prior to occupancy, lease terms and conditions shall be reviewed for form and legality by the Office of General Counsel. All lease agreements in compliance with the criteria set forth herein may be executed by the President or Vice President for Business, Finance, and Facilities or a designee(s).

(4) Standard Lease Agreement Form – The University of West Florida Standard Lease Agreement form may be used. If another format is used, such form should embrace the terms and conditions of the UWF Standard Lease Agreement. Provisions of the UWF Standard Lease Agreement may be changed or additional covenants or conditions added thereto with the prior approval of the Office of General Counsel.

(5) Escalation Clauses Prohibited – A lease entered into by UWF may not contain a rental escalation clause or an open rental rate that permits an adjustment in the amount paid by the university based on the happening of a future event, such as a change in the Consumer Price Index. Any such clause in a lease shall be null and void and unenforceable. Any such clause in a lease shall be null and void and unenforceable. The final cost to the University for the complete term of a lease, including the projected costs for all renewal periods, must be clearly set forth in the lease or calculable based on the terms of the lease. A lease shall not contain an open rate, such as Consumer Price Index or rental escalation clause unless a ceiling on the amount of such increase is also provided. Any such clause in a lease shall be null and void and unenforceable.

(6) Right-to-Terminate Clause Required – A right-to-terminate clause shall be a part of any lease for a term exceeding one year and may not be omitted from any lease.

(7) Renewal of Leases – Any UWF lease may contain an option to renew and any such renewal shall be made according to the terms and conditions of such agreement.

(8) Fire Code Compliance in Leased Space.

(a) Any private sector building or part thereof to be leased by UWF shall must comply with those portions of Florida Statutes Chapters 553 and 633, applicable to University buildings, including but not limited to fire safety, life safety, and disabled access standards of the State Building Code.

(b) Before construction or renovation of any leased building from a third party lessor is commenced, UWF shall require that the proposed construction or renovation plan shall comply with the applicable portions of Chapters 553 and 633, fire safety standards of the State Building Code. This responsibility may be delegated to any ex-officio agent of the State Fire Marshal.

(c) Whenever it is determined that a construction or renovation plan is not in compliance with such fire safety and access standards, an order may be issued to cease all construction or renovation activities.
until compliance is obtained, except those activities required to achieve such compliance.

(d) Approval of any proposed lease shall be withheld until the facility and/or construction or renovation plan complies with fire safety and access standards.

c) The cost of all modifications or renovations made for the purpose of bringing lease property into compliance with fire safety and access standards shall be borne by the lessor unless otherwise agreed in writing by UWF.

(9) Leases of 5,000 Square Feet or More.

(a) The University of West Florida shall not enter into a lease for 5,000 square feet or more of space in a privately owned building except upon advertisement for and receipt of competitive bids and proposals as determined by UWF in accordance with BOG regulation 17.001. Award to the lowest bid meeting specifications. Leases that are not subject to the competitive solicitation process include those types of leases that are enumerated in BOG regulation 17.001.

Space shall not be divided for the purpose of avoiding the requirements of this regulation. Exceptions:

1. This regulation shall not apply to renewal of leases.
2. This regulation shall not apply to any lease having a term of less than 21 consecutive days for the purpose of securing the one-time special use of the leased property.
3. This regulation shall not apply to any lease for nominal or no consideration. As used herein, “nominal consideration” means consideration for $1.00 or less per year.
4. This regulation shall not apply to building or facilities of any size leased for the purpose of providing care and living space for persons.
5. The University may approve extensions of an existing lease of 5,000 square feet or more of space if such extensions are determined to be in the best interest of the University but in no case shall the total of such extensions exceed 11 months. If at the end of the 11th month, the University still needs space, it shall be procured by competitive bid. However, if the University determines it is in its best interest to remain in space it currently occupies, the University may negotiate a replacement lease with the landlord if an independent market analysis demonstrates that the lease rates offered are within market rates for the space and the cost of the new lease does not exceed the cost of the comparable lease plus documented moving costs. The term of such replacement lease may not exceed the base term of the expiring lease. The decision to extend a lease and to remain in space currently occupied shall be based on the following factors: the cost of moving, the disruption of activities that will occur as a result of moving, the location of the space, the suitability of the space, the proximity of services, the layout and type of space, and the quality of space involved.

6. This regulation shall not apply for specialized educational facilities excluding classrooms, provided the President or Executive Vice President certifies in writing that the space is available only from a single source. The certification and documentation determining the sole source status shall be filed with the official records of the University of West Florida.

(b) Solicitation.

1. A public solicitation for proposals will be widely publicized using newspaper advertisements, the University’s Procurement website, and/or contact with owners, developers, or realtors in the city or area in which space is desired.
2. Solicitation should set forth, but not be limited to the following:
   a. Approximate net square footage required.
   b. General area in which space must be located.
   c. Date space must be available.

(c) Specifications.
1. Specifications shall be drawn in general terms. They shall afford each prospective lessor interested in submitting a proposal, knowledge of the user’s space requirements. They shall not be structured to favor any specific location or lessor.

2. Specifications provided to each prospective lessor should set forth, but not be limited to, the following:
   a. Approximate net square footage required, to be measured in compliance with the State University System Standard Method of Space Measurement.
   b. An approximate floor plan of space needed showing partitioning and other physical requirements.
   c. General location of required space.
   d. Date space must be available.
   e. Term of lease with option to renew, if desired.
   f. Services required to include parking, dining and transportation requirements.

3. Specifications shall also set forth that the prospective lessor will agree to:
   a. Enter into a contract on the specified lease agreement form.
   b. Provide a scaled floor plan showing present configurations and measurements that equate to net rentable square footage offered.
   c. Comply with the requirement of any Design Standards for Special Facilities for the Physically Disabled.
   d. Be an Equal Opportunity Employer.
   e. Provide Full Disclosure Statements of Ownership.
   f. Validate the proposal for a minimum of thirty (30) or more days following the public bid opening date.
   g. Comply with the fire safety standards of the State Building Code.
   h. Ensure that any renovations required will comply with safety standards of the State Building Code before renovations are commenced.
   i. Propose a rental rate per square foot per year that will include all renovations and other special requirements necessary to accommodate the program at the time of initial occupancy.

4. Specifications may provide that sealed proposals are to be submitted, in a titled envelope, to a designated individual by a specified closing time and date, at which time all proposals will be publicly opened.

(d) Proposals Each proposal shall be signed by the owner(s), corporate officers, or legal representative(s). The corporate, trade, or partnership name must be either stamped, written or typewritten, beside the actual signature(s). If the proposal is signed by an agent, written evidence of his authority must accompany the proposal. If a corporation foreign to the State of Florida is the owner, evidence of authority to conduct business in Florida shall be presented.

(e) Evaluation:
   1. The University of West Florida alone shall reserve the right to accept or reject any or all bids submitted and if necessary reinitiate procedures for soliciting competitive proposals.
   2. Weighted criteria shall be developed. The criteria items most significant to the user’s needs should bear the highest weight. The cost of relocation, if any; consolidation of activities, if desirable; and any other factors deemed necessary should be weighted.
   3. The evaluation shall be made by The University of West Florida.
   4. Selection shall be made by The University of West Florida.
   5. Documentation to support the selection shall be maintained and shall include but not be limited to the following:
      a. A copy of all advertisements.
      b. A copy of the proposal specifications.
      c. A copy of all proposals received.
      d. A synopsis of the findings for each proposal.
   6. Selection shall be publicly announced.
(f) Lease preparation and approval—After the selection has been announced, a lease agreement shall be properly executed.

(g) Disclosure Statements—Private Entities, Public Officials.

1. A statement by the owner providing for full disclosure of the names and the extent of interest of the owners holding 4% or more interest in any privately owned property leased to the state or in the entity holding title to the property, shall be secured for all new leases, renewal leases, modifications to approved leases and the notification of renewal under an existing lease option.

2. A statement by the owner providing for full disclosure of the names of all public officials, agents, or employees holding any interest in any privately owned property leased to the state, or in the entity holding title to the property, and the nature and extent of their interest, shall be secured for all new leases, renewal leases, modifications to approved leases, and notifications of renewal under a lease option.

3. It is not necessary to make disclosure of any beneficial interest which is represented by stock in any corporation registered with the Securities and Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, which stock is for sale to the general public. A statement certifying the registration shall be provided by the Lessor.

4. It is not necessary to make disclosure under subparagraphs (h) 1. and 2. of any leasehold interest in property located outside the territorial boundaries of the United States.

5. Each subsequent transaction pertaining to a lease for which a Disclosure Statement has been provided, may be accompanied by a lessor's affidavit that the previous Disclosure Statement submitted on (date to be provided) is still valid, if no change in the interest held or individuals concerned has occurred.

(10) Legal Review. All leases of space in a privately owned building shall be reviewed as to form and legality by The Office of General Counsel and approval thereof indicated on the Lease Agreement. This regulation shall not apply to leases for less than twenty-one (21) consecutive days. Certification of Compliance—The President, Executive Vice President, or authorized designee shall certify that the lease is in compliance with all leasing criteria set forth herein. The certification shall be filed with the official records of the University of West Florida.

Space Measurement—The measurement of leased space shall be based on the method of measurement used by the State University System for gross square feet as described in the current Physical Facilities Space File. The State University System method of space measurement as specified in the HEGIS Facilities Inventory and Classification Manual shall be utilized.

Space Allocation—Space allocation shall be based on the State University System Space Generation Formula.

(13) Exception to Competitive Bidding—Any lease for purposes of providing care and living space for persons shall be exempt from competitive bidding requirements provided the President, Executive Vice President, or authorized designee certifies that the space is to be used for that purpose.

(14) Nominal or No Consideration Leases—Leases for nominal or no consideration shall be reported to and approved by the Executive Vice President annually.
17.001 Lease Authority

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

(2) No university shall enter into a lease for 5,000 square feet or more of space in a privately owned building, except upon advertisement for and receipt of competitive bids or proposals as determined by the University. In the case of invitations to bid, the award shall be made to the lowest responsible and responsive bidder. In the case of competitive proposals, the award shall be made to the responsive and responsible proposor whose proposal is determined to be the most advantageous to the University, taking into consideration the price and other criteria set forth in the request for proposals. If the University elects to enter into a negotiation with responding proposers, the President or designee must specify why negotiation will assist the University in achieving the best leasing value for the University. “Best Leasing Value” means the highest overall value to the state based on objective factors that include, but are not limited to, rental rate, renewal rate, operational and maintenance costs, tenant-improvement allowance, location, lease term, condition of facility, landlord responsibility, amenities and parking. Cost savings related to the University’s procurement process are not sufficient justification for negotiation.

(a) Exceptions to Competitive Solicitation Requirements:
   1. Competitive solicitations shall not be required for renewal of leases as provided in the original lease.
   2. Competitive solicitations shall not be required for any lease having a term of less than 120 consecutive days which is for the purpose of securing a one-time special use of the leased property.
   3. Competitive solicitations shall not be required for any lease which is for nominal or no consideration.
   4. Competitive solicitations shall not be required to extend an existing lease of 5,000 or more square feet, if the extension is determined to be in the best interest of the University and the total of the extension does not exceed 11 months. If at the end of the 11th month the University still needs space, it shall be procured by competitive solicitation. However, if the University determines it is in its best interest to remain in space it currently occupies, the University may negotiate a replacement lease with the landlord if an independent market analysis demonstrates that the lease rates offered are within
market rates for the space and the cost of the new lease does not exceed the cost of a comparable lease plus documented moving costs. The term of such replacement lease may not exceed the base term of the expiring lease.

5. Competitive solicitations shall not be required when leasing educational facilities in a research and development park with which the university is affiliated. The university board of trustees or designee must certify in writing that the leasing of such educational facilities is in the best interests of the university and that the exemption from competitive bid requirements is not detrimental to the state, pursuant to s. 1013.17, F.S.

6. Competitive solicitations shall not be required when leasing specialized research, medical or educational facilities, if the President or the President's designee certifies in writing that said facility is available from a single source and that compliance with competitive bid requirements would be detrimental to the University.

7. Competitive solicitations shall not be required in an emergency, when leasing space is necessary because an existing state-owned or leased space is destroyed or rendered uninhabitable by an act of God, fire, malicious destruction, or structural failure, or by legal action, upon certification by the President or his designee that other University controlled space is not available and the term of any such lease does not exceed 18 months, provided the University may modify the lease to extend it on month to month basis for up to 6 additional months to allow completion of such construction or renovations.

8. Competitive solicitations shall not be required when leasing facilities in a hospital or other medical facilities, such as a medical office building, with which the University is affiliated.

(3) The measurement of leased space shall be based on the method of measurement used by the State University System for gross square feet as described in the current Physical Facilities Space File. A copy of this document is incorporated in this regulation by reference.
UNIVERSITY OF WEST FLORIDA
NOTICE OF PROPOSED AMENDMENT TO REGULATION

REGULATION TITLE: UWF/REG 6.002-Leasing Program

SUMMARY: The proposed amendments update the regulation to conform to Board of Governors’ regulation 17.001 concerning the leasing authority of the university, updates the regulation to reflect current organizational titles, and deletes language regarding solicitations that will be moved to the Standard Operating Procedures of the Office of Procurement and Contracts.

AUTHORITY: BOG Regulations 1.001 and 17.001.

NAME OF UNIVERSITY OFFICIAL INITIATING PROPOSED REGULATION AMENDMENT:

Angela Jones, Procurement Director

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: James Felder, Associate General Counsel, jfelder@uwf.edu, Phone (850) 474-3420; FAX (850) 857-6058; Bld. 10/Rm 114; 11000 University Parkway; Pensacola, FL 32514-5750. Any comments regarding the proposed regulation amendment must be sent in writing to the contact person on or before August 13, 2014 to receive full consideration.

THE DATE THIS NOTICE WAS POSTED ON THE UWF BOARD OF TRUSTEES WEBSITE:

July 31, 2014

THE DATE THIS NOTICE WAS PUBLISHED IN “@UWF”:

July 31, 2014

THE FULL TEXT OF THE PROPOSED AMENDMENT TO THIS REGULATION IS SET FORTH BELOW:
University of West Florida Regulations
UWF/REG-6.002 Facilities Leasing Program

1) **Purpose** – The purpose of this regulation is to implement the delegated leasing authority from the Board of Governors to the University of West Florida (“UWF”) Board of Trustees in accordance with BOG Regulation 17.001 regarding the leasing of space. Section 1001.74, Florida Statutes.

2) **Authority** – The UWF Board of Trustees or designee(s) may enter into leases for space in a building or any part of a building for use by the university or one of its direct-support organizations, including those leases in a research and development park with which the university is affiliated. Leases subject to s. 1010.62 F.S. must be approved by the Board of Governors, in accordance with the Board of Governors Debt Management Guidelines. Definitions—For the purpose of this regulation, each of these words shall have the following meaning:

   a) **Lease** – The contract instrument or agreement required to lease a building or any part thereof.

   b) **Privately Owned** – Any building not owned by a governmental agency or by a Direct Support Organization of the University.

3) **Approval** – Before leasing a building or any part thereof, prior approval of the need and lease terms shall be obtained from The Vice President for Business, Finance, and Facilities University Affairs or designee(s). Prior to execution, lease terms and conditions shall be reviewed for form and legality by the Office of General Counsel. All lease agreements in compliance with the criteria set forth herein shall be executed by the President or a designee(s).

4) **State Owned Buildings** - A lease agreement for space of 5,000 square feet or more in a privately owned building shall not be entered into when suitable space is available in a state-owned building located in the same geographic region unless it is determined to be in the best interest of the University. The term “state-owned building” as used in this section means any state-owned facility regardless of use or control. Standard Lease Agreement Form – The University of West Florida Standard Lease Agreement form may be used. If another format is used, such form should embrace the terms and conditions of the UWF Standard Lease Agreement. Provisions of the UWF Standard Lease Agreement may be changed or additional covenants or conditions added thereto with the prior approval of the Office of General Counsel.

5) **Escalation Clauses Prohibited** – A lease entered into by UWF may not contain a rental escalation clause or an open rental rate that permits an adjustment in the amount paid by the university based on the happening of a future event, such as a change in the Consumer Price Index. Any such clause in a lease shall be null and void and unenforceable. The final cost to the University for the complete term of a lease, including the projected costs for all renewal periods, must be clearly set forth in the lease or calculable based on the terms of the lease. A lease shall not contain an open rate, such as Consumer Price Index or rental escalation clause unless a ceiling on the amount of such increase is also provided. Any such clause in a lease shall be null and void and unenforceable.

6) **Right-to-Terminate Clause Required** – A right-to-terminate clause shall be a part of any lease for a term exceeding one year and may not be omitted from any lease.

7) **Renewal of Leases** – Any UWF lease may contain an option to renew and any such renewal shall be made according to the terms and conditions of such agreement.

8) **Fire Code Compliance in Leased Space**

   a) Any private sector building or part thereof to be leased by UWF must comply with those portions of Florida Statutes Chapters 553 and 633, applicable to University buildings, including but not limited to fire safety, life safety, and disabled access standards of the State Building Code.
(b) Before construction or renovation of any state-owned UWF leased building from a third party lessor is commenced, UWF shall require that the proposed construction or renovation plan shall comply with the applicable portions of Chapters 553 and 633, fire safety standards of the State Building Code. This responsibility may be delegated to any ex-officio agent of the State Fire Marshal.

(c) Whenever it is determined that a construction or renovation plan is not in compliance with such fire-safety and access standards, an order may be issued to cease all construction or renovation activities until compliance is obtained, except those activities required to achieve such compliance.

(d) Approval of any proposed lease shall be withheld until the facility and/or construction or renovation plan complies with fire-safety and access standards.

(e) The cost of all modifications or renovations made for the purpose of bringing lease property into compliance with fire-safety and access standards shall be borne by the lessor unless otherwise agreed in writing by UWF.

(9) **Competitive Solicitation** Leases of 5,000 Square Feet or More.

(a) The University of West Florida shall not enter into a lease for 5,000 square feet or more of space in a privately owned building except upon advertisement for and receipt of competitive bids and or proposals as determined by UWF in accordance with BOG Regulation 17.001. award to the lowest bid meeting specifications. Leases that are not subject to the competitive solicitation process include those types of leases that are enumerated in BOG Regulation 17.001.

Space shall not be divided for the purpose of avoiding the requirements of this regulation.

1. Exceptions. This regulation shall not apply to renewal of leases.

2. This regulation shall not apply to any lease having a term of less than 21 consecutive days for the purpose of securing the one-time special use of the leased property.

3. This regulation shall not apply to any lease for nominal or no consideration. As used herein, “nominal consideration” means consideration for $1.00 or less per year.

4. This regulation shall not apply to building or facilities of any size leased for the purpose of providing care and living space for persons.

5. The University may approve extensions of an existing lease of 5,000 square feet or more of space if such extensions are determined to be in the best interest of the University but in no case shall the total of such extensions exceed 11 months. If at the end of the 11th month the University still needs space, it shall be procured by competitive bid. However, if the University determines it is in its best interest to remain in space it currently occupies, the University may negotiate a replacement lease with the landlord if an independent market analysis demonstrates that the lease rates offered are within market rates for the space and the cost of the new lease does not exceed the cost of a comparable lease plus documented moving costs. The term of such replacement lease may not exceed the base term of the expiring lease. The decision to extend a lease and to remain in space currently occupied shall be based on the following factors: the cost of moving, the disruption of activities that will occur as a result of moving, the location of the space, the suitability of the space, the proximity of services, the layout and type of space, and the quality of space involved.

6. This regulation shall not apply for specialized educational facilities excluding classrooms, provided the President or Executive Vice President certifies in writing that the space is available only from a single source. The certification and documentation determining the sole-source status shall be filed with the official records of the University of West Florida.

(a) A lease agreement for space of 5,000 square feet or more in a privately owned building shall not be entered into when suitable space is available in a state-owned building located in the same geographic region unless it is determined to be in the best interest of the University. The term “state-owned building” as used in this section means any state-owned facility regardless of use or control.

(b) Solicitation.

1. A public solicitation for proposals will be widely publicized using newspaper
advertisements, the University’s Procurement website, and/or contact with owners, developers or realtors in the city or area in which space is desired.

2. Solicitation should set forth, but not be limited to the following:
   a. Approximate net square footage required.
   b. General area in which space must be located.
   c. Date space must be available.

(c) Specifications.

1. Specifications shall be drawn in general terms. They shall afford each prospective lessor interested in submitting a proposal, knowledge of the user’s space requirements. They shall not be structured to favor any specific location or lessor.

2. Specifications provided to each prospective lessor should set forth, but not be limited to, the following:
   a. Approximate net square footage required, to be measured in compliance with the State University System Standard Method of Space Measurement.
   b. An approximate floor plan of space needed showing partitioning and other physical requirements.
   c. General location of required space.
   d. Date space must be available.
   e. Term of lease with option to renew, if desired.
   f. Services required to include parking, dining and transportation requirements.

3. Specifications shall also set forth that the prospective lessor will agree to:
   a. Enter into a contract on the specified lease agreement form.
   b. Provide a scaled floor plan showing present configurations and measurements that equate to net rentable square footage offered.
   c. Comply with the requirement of any Design Standards for Special Facilities for the Physically Disabled.
   d. Be an Equal Opportunity Employer.
   e. Provide Full Disclosure Statements of Ownership.
   f. Validate the proposal for a minimum of thirty (30) or more days following the public bid opening date.
   g. Comply with the fire safety standards of the State Building Code.
   h. Ensure that any renovations required will comply with safety standards of the State Building Code before renovations are commenced.
   i. Propose a rental rate per square foot per year that will include all renovations and other special requirements necessary to accommodate the program at the time of initial occupancy.

4. Specifications may provide that sealed proposals are to be submitted, in a titled envelope, to a designated individual by a specified closing time and date, at which time all proposals will be publicly opened.

(d) Proposals—Each proposal shall be signed by the owner(s), corporate officers, or legal representative(s). The corporate, trade, or partnership name must be either stamped, written or typewritten, beside the actual signature(s). If the proposal is signed by an agent, written evidence of his authority must accompany the proposal. If a corporation foreign to the State of Florida is the owner, evidence of authority to conduct business in Florida shall be presented.

(e) Evaluation:

1. The University of West Florida alone shall reserve the right to accept or reject any or all bids submitted and if necessary reinitiate procedures for soliciting competitive proposals.

2. Weighted criteria shall be developed. The criteria items most significant to the user’s needs should bear the highest weight. The cost of relocation, if any; consolidation of activities, if desirable; and any other factors deemed necessary should be weighted.

3. The evaluation shall be made by The University of West Florida.

4. Selection shall be made by The University of West Florida.
5. Documentation to support the selection shall be maintained and shall include but not be limited to the following:
   a. A copy of all advertisements.
   b. A copy of the proposal specifications.
   c. A copy of all proposals received.
   d. A synopsis of the findings for each proposal.

6. Selection shall be publicly announced.

(f) Lease preparation and approval — After the selection has been announced, a lease agreement shall be properly executed.

1. Disclosure Statements — Private Entities, Public Officials. A Statement by the owner providing for full disclosure of the names and the extent of interest of the owners holding 4% or more interest in any privately owned property leased to the state or in the entity holding title to the property, shall be secured for all new leases, renewal leases, modifications to approved leases and the notification of renewal under an existing lease option.

2. A statement by the owner providing for full disclosure of the names of all public officials, agents, or employees holding any interest in any privately owned property leased to the state, or in the entity holding title to the property, and the nature and extent of their interest, shall be secured for all new leases, renewal leases, modifications to approved leases, and notifications of renewal under a lease option. It is not necessary to make disclosure of any beneficial interest which is represented by stock in any corporation registered with the Securities and Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, which stock is for sale to the general public. A statement certifying the registration shall be provided by the Lessor.

3. It is not necessary to make disclosure under subparagraphs (h) 1. and 2. of any leasehold interest in property located outside the territorial boundaries of the United States.

(10) Each subsequent transaction pertaining to a lease for which a Disclosure Statement has been provided, may be accompanied by a lessor’s affidavit that the previous Disclosure Statement submitted on (date to be provided) is still valid, if no change in the interest held or individuals concerned has occurred. Legal Review. All leases of space in a privately owned building shall be reviewed as to form and legality by The Office of General Counsel and approval thereof indicated on the Lease Agreement. This regulation shall not apply to leases for less than twenty-one (21) consecutive days.

Certification of Compliance — The President, Executive Vice President, or authorized designee shall certify that the lease is in compliance with all leasing criteria set forth herein. The certification shall be filed with the official records of the University of West Florida.

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

(12) The State University System method of space measurement as specified in the HEGIS Facilities Inventory and Classification Manual Space Allocation — Space allocation shall be based on the State University System Space Generation Formula.

(13) Exception to Competitive Bidding — Any lease for purposes of providing care and living space for persons shall be exempt from competitive bidding requirements provided the President, Executive Vice President, or authorized designee certifies that the space is to be used for that purpose.

(14) Nominal or No Consideration Leases — Leases for nominal or no consideration shall be reported to and approved by the Executive Vice President annually.

Specific Authority: BOG Regulations 1.001(3)(i), 1.001(7)(b), and 17.001, 1001.74 FS. Law Implemented, 255.248, 255.249, 255.25 FS.
History—New 6-30-81, Amended 4-12-84, Formerly 6C6-6.002—Converted to UWF/REG 6.002 7/21/05; Amended 1/5/07, 9/4/08.
RESOLUTION

Dated September __, 2014

UNIVERSITY OF WEST FLORIDA, ACTING FOR AND ON BEHALF OF THE UNIVERSITY OF WEST FLORIDA BOARD OF TRUSTEES
(the “Issuer”)

RELATING TO:

$3,000,000 PROMISSORY NOTE
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*SCHEDULE 1..................................................................................................... 10*
A RESOLUTION AUTHORIZING THE CONSTRUCTION OF CERTAIN CAPITAL IMPROVEMENTS TO BE LOCATED ON THE MAIN CAMPUS OF THE UNIVERSITY OF WEST FLORIDA; PROVIDING FOR THE ISSUANCE BY THE UNIVERSITY OF WEST FLORIDA OF A $3,000,000 PROMISSORY NOTE, TO EVIDENCE A LOAN MADE BY THE UNIVERSITY OF WEST FLORIDA FOUNDATION, INC. TO FINANCE A PORTION OF THE COST OF SUCH IMPROVEMENTS; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION WITH THE ISSUANCE OF SUCH NOTE; PROVIDING FOR THE DELIVERY OF SUCH NOTE; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE UNIVERSITY OF WEST FLORIDA BOARD OF TRUSTEES;

Section 1. AUTHORITY FOR THIS RESOLUTION.

This Resolution is adopted pursuant to the provisions of Section 1010.62, Florida Statutes, and Section II of the Debt Management Guidelines of the Florida Board of Governors.

Section 2. DEFINITIONS.

The following terms shall have the following meanings in this Resolution unless the context otherwise expressly requires. Where the context so requires, words importing singular number shall include the plural number in each case and vice versa, and words importing persons shall include firms and corporations.

"Foundation" shall mean the University of West Florida Foundation, Inc., a direct-support organization of the University.

"Issuer" shall mean the University of West Florida, acting for and on behalf of the University of West Florida Board of Trustees, a public body corporate of the State of Florida.

"Note" shall mean the obligation authorized to be issued pursuant to Section 6 hereof.

"Project" shall mean the capital improvements more particularly described in Attachment A hereto.

"Resolution" shall mean this Resolution of the Issuer, as hereafter amended and supplemented from time to time in accordance with the provisions hereof.
“University” shall mean the University of West Florida, a Florida public post-secondary educational institution.

Section 3. FINDINGS.

It is hereby found, determined and declared as follows:

A. It is estimated that the period of usefulness of the Project will exceed twenty-five years. Title to the Project will at all times remain in the University of West Florida, irrespective of whether the loan evidenced by the Note is repaid.

B. The Issuer expects to have funds available to pay the principal of and interest on the Note when due.

C. The proceeds of the Note will be applied to pay for a portion of the cost of the herein described capital project benefitting the University. No proceeds of the Note will be used to pay operating expenses of the University.

D. The Issuer is authorized under Section 1010.62 and Section II of the Debt Management Guidelines of the Florida Board of Governors to issue the Note herein described for the purpose of providing for a portion of the costs of the Project. The issuance of the Note is consistent with the Issuer’s Debt Management Guidelines.

Section 4. THIS RESOLUTION TO CONSTITUTE CONTRACT.

In consideration of the acceptance of the Note authorized to be issued hereunder by the Foundation, this Resolution shall be deemed to be and shall constitute a contract between the Issuer and the Foundation. The Note is expected to be paid from legally available revenues of the University on a non-recourse basis.

Section 5. PROJECT AUTHORIZED.

The construction and installation of the Project, as defined in this Resolution, is hereby authorized. The proper officers of the Issuer are hereby directed to take all action and steps deemed necessary to acquire and construct the Project.

Section 6. AUTHORIZATION AND DESCRIPTION OF NOTE.

The Foundation has agreed to make a loan to the University in the amount of $3,000,000 (three million dollars) for the purposes described herein. The loan will mature in installments and will be subject to prepayment prior to maturity as described in the form of Note attached hereto as Exhibit “B” over a term not in excess of 6 (six) years. The loan will bear interest at the fixed interest rate per annum set forth in the form of Note not in excess of 3.5% per annum,
Section 7. EXECUTION OF NOTE.

The Note shall be executed in the name of the Issuer by the manual signature of the Chairman or Vice-Chairman of its Board and attested by the manual signature of the President, ex-officio Secretary to the Board.

Section 8. TRANSFER OF NOTE NOT PERMITTED.

The transfer of the Note is not permitted. The Note will be held at all times by the Foundation.

Section 9. FORM OF NOTE.

A promissory note of the University is authorized to be issued to evidence the loan, in substantially the form attached hereto as Exhibit “B.”

Section 10. APPLICATION OF NOTE PROCEEDS.

The proceeds received from the sale of the Note shall be applied by the Issuer to pay for a portion of the cost of the Project.

Section 11. SPECIAL OBLIGATION OF ISSUER.

The Note shall be a limited and special obligation of the Issuer, payable solely from legally available funds of the University on a non-recourse basis. The Note shall not constitute a general obligation or a pledge of the faith, credit or taxing power of the Issuer, the State of Florida or any political subdivision thereof, within the meaning of any constitutional or statutory provision. The acceptance of the Note by the Foundation shall be deemed an agreement between the Issuer and the Foundation that the Note and the obligations evidenced thereby shall not constitute a lien upon the Project or upon any property of the Issuer, but shall be payable solely from the legally available revenues described herein in the manner provided herein.

Section 12. COVENANTS OF THE ISSUER.

For as long as any of the principal of and interest on the Note shall be outstanding and unpaid, or until payment has been provided for as herein permitted, the Issuer covenants with the holders of the Note as follows:
(A) Until all principal and interest of the Note is paid, the Issuer hereby covenants to pay the principal and interest of the Note when due from legally available funds of the University on a non-recourse basis.

(B) Such covenant to pay principal and interest does not create any lien upon or pledge of any particular revenues, nor does it preclude the Issuer from pledging in the future its legally available revenues, nor does it give the Holders of the Note a prior claim on the revenues as opposed to claims of general creditors of the Issuer.

Section 13. OFFICIAL INTENT.

It is intended that this resolution will constitute a declaration of official intent under U.S. Treas. Reg. 1.150-2 (the "Reimbursement Regulation") with respect to Project expenditures to which the Reimbursement Regulations apply, to evidence the University's reasonable expectation that such expenditures will be made from available moneys temporarily advanced for such purpose and will be reimbursed from the proceeds of any debt that may subsequently be issued.

Section 14. MODIFICATION OR AMENDMENT.

No material modification or amendment of this Resolution or of any ordinance or resolution amendatory hereof or supplemental hereto, may be made without the consent in writing of the Foundation.

Section 15. SEVERABILITY.

If any one or more of the covenants, agreements, or provisions of this Resolution should be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separate from the remaining covenants, agreements or provisions of this Resolution or of the Note issued hereunder.

Section 16. AWARD OF NOTE.

The Issuer hereby awards sale of the Note to the Foundation pursuant to the provisions of Section 1010.62, Florida Statutes, and Section II of the Debt Management Guidelines of the Florida Board of Governors.
Section 17.  

AUTHORIZATION OF ALL OTHER NECESSARY ACTION.

The Chair and Vice-Chair of the Board of Trustees, the President, Vice President for Business, Finance and Facilities, General Counsel, and other authorized representatives of the University and the Board of Trustees, are hereby authorized to take all actions and steps, to execute all instruments, documents, and contracts, and to take all other actions as they may deem necessary or desirable, in connection with the execution, sale and delivery of the Note and the construction and installation of the Project.

Section 18.  

EFFECTIVE DATE.

This Resolution shall take effect immediately upon its adoption, this ___ day of ___, 2014.

Adopted this ___ day of _____, 2014.

UNIVERSITY OF WEST FLORIDA
BOARD OF TRUSTEES

By: ____________________________
Chair

CERTIFICATE OF THE CORPORATE SECRETARY

The undersigned President of the University of West Florida and Corporate Secretary of the University of West Florida Board of Trustees, does hereby certify that the attached resolution relating to student housing facilities is a true and accurate copy as adopted by the University of West Florida Board of Trustees on _____, 2014, as such resolution appears in the official records of the Board of Trustees.

IN WITNESS WHEREOF, I hereunto set my hand and the official seal of the University of West Florida Board of Trustees this ___ day of ___ 2014.

_________________________________
President, ex-officio Secretary
Exhibit “A” – THE PROJECT

The Project will include: (i) a multi-story athletic services building of approximately 27,000 gross square feet, including offices, meeting rooms, locker rooms, and strength-training facilities (including weight room and rehabilitation spaces) and other appropriate facilities; and (ii) practice facilities with synthetic turf, including a competition/game day field, press box, bleachers, lighting and other appropriate amenities and small auxiliary practice field.
EXHIBIT "B" – FORM OF NOTE

| No. 1 | $3,000,000 |

UNIVERSITY OF WEST FLORIDA
PROMISSORY NOTE

| Rate of Interest | Maturity Date | Dated Date |

Owner: THE UNIVERSITY OF WEST FLORIDA FOUNDATION, Inc.

Principal Amount: THREE MILLION DOLLARS ($3,000,000)

KNOW ALL MEN BY THESE PRESENTS, that the University of West Florida, for and on behalf of the University of West Florida Board of Trustees (hereinafter called "Issuer"), for value received, hereby promises to pay, solely from the sources hereafter described, the Principal Amount hereof, to the Owner identified above, on the dates and in the amounts set forth on Schedule "I" hereto, and to pay, solely from said sources, interest on said sum from the Dated Date or from the most recent interest payment date to which interest has been paid, at the Rate of Interest per annum set forth above, calculated on the basis of a 364/365 day year and actual days elapsed, until payment of such sum. Such interest shall be payable on the __ day of each September and March, commencing March __, 2015 (each such date being herein referred to as a "Payment Date"). The principal amount hereof shall mature in installments on the dates and in the amounts set forth on Schedule "I" attached hereto, with the remaining principal balance, together with any unpaid interest accrued thereon, due and payable on September ____, ______. All amounts due hereunder prior to final maturity, or prepayment in whole, shall be paid by check or draft mailed to the Registered Owner on the date such amount is due, at the address furnished to the Issuer prior to the mailing thereof. The final payment of principal of this Note shall be made upon presentation and surrender hereof on the Maturity Date at the office of the Foundation at 11000 University Parkway, Pensacola, Florida. All such sums shall be payable in any coin or currency of the United States of America which is at the time of payment legal tender for the payment of public or private debts. At the option of the Issuer, such sums may be paid by wire transfer.

This Note is issued in the principal amount of $3,000,000 to pay a portion of the cost of certain capital improvements located on the main campus of the University of West Florida (the "Project") as further set forth in the hereafter defined Resolution, under the authority of and in full compliance with Section 1010.62 Florida Statutes and Section II of the Debt Management Guidelines of the Florida Board of Governors and a resolution duly adopted by the University.
of West Florida Board of Trustees on September __, 2014 (hereinafter called “Resolution”), and is subject to all the terms and conditions of the Resolution, the provisions of which are incorporated herein by reference.

This Note shall be a limited and special obligation of the Issuer, as provided in the Note, payable solely from legally available funds of the University on a non-recourse basis. The Note shall not constitute a general obligation or a pledge of the faith, credit or taxing power of the Issuer, the State of Florida or any political subdivision thereof, within the meaning of any constitutional or statutory provision. The acceptance of the Note by the Foundation shall be deemed an agreement between the Issuer and the Foundation that the Note and the obligations evidenced thereby shall not constitute a lien upon the Project or upon any property of the Issuer, but shall be payable solely from the legally available revenues described herein in the manner provided herein.

In and by the Resolution the Issuer has made certain covenants and agreements with the Owner of the Note, and reference is hereby made to the Resolution for a description of such covenants and agreements.

It is hereby certified and recited that all acts, conditions and things required to happen, exist and be performed, precedent to and in the issuance of this Note, have happened, exist, and have been performed in due time, form and manner as required by the Constitution and laws of the State of Florida applicable thereto.

The Note may be prepaid in whole or in part, at the option of the Issuer, on any date without penalty. In addition, the Foundation may require the prepayment of the Note at its option on the following dates:

(here insert put provisions)

This Note or a portion thereof so called for redemption will cease to bear interest after the specified redemption date provided funds for their redemption are on deposit at the place of payment at that time.

The Issuer may deem and treat the person to whom this Note is issued as the absolute owner hereof (whether or not this Note shall be overdue) for the purpose of receiving payment of or on account of principal hereof and interest due hereon and for all other purposes, and the Issuer shall not be affected by any notice to the contrary. This Note may not be transferred.
IN WITNESS WHEREOF, the University of West Florida, for and on behalf of the University of West Florida Board of Trustees, has issued this Note and has caused the same to be signed by the Chairman of the University of West Florida Board of Trustees and countersigned and attested by its ex-officio Secretary, all as of the ___ day of September, 2014.

UNIVERSITY OF WEST FLORIDA

(SEAL)

By: ________________________________
Its: Chairman, University of West Florida Board of Trustees

ATTEST

By: ________________________________
Its: President, ex-officio Secretary
to the University of West Florida Board of Trustees
SCHEDULE I
Principal Payment Schedule

Payment Schedule

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University of West Florida: Division of Business Finance & Facilities

Facilities Development & Operations

Installed Light Emitting Diode (LED) to replace existing fluorescent: Replaced 126 light fixtures and 90 High Intensity Discharge light fixtures with energy efficient LED light fixtures. Estimated cost savings, $50,000.

Installed Light Emitting Diode (LED) exterior lighting to replace existing metal halide: Replaced 22 existing metal halide parking lot fixtures. Estimated cost savings, $13,000.

Reduced maintenance operating expense: Employed Other Personnel Services staff to perform pressure washing, pine straw harvesting, and pine straw bed cover installation in lieu of contracted services or full time staff. Estimated cost savings, $4,500.

Revised and updated Standard Operating Procedure (S.O.P.) AES 2.001: To give clear direction to review group members regarding project review comments. The new procedure assists the project managers with an efficient and timely review for all project document submittals. Feb. 2014.

Installed light emitting diode (LED) lamps to replace high intensity discharge (HID) lamps: Projected annual electric utility savings is 127,000 kWh with an annual electric utility cost savings of $11,000 with a 6.5-year payback.

Installed variable frequency drives (VFD) on chilled water pump motors: Projected annual electric utility savings is 715,800 kWh with an annual electric utility cost savings of $62,000 with a 3.5-year payback.

Installed variable frequency drives (VFD) on air-handling unit fan motors: Projected annual electric utility savings is 1,360,850 kWh with an annual electric utility cost savings of $122,000 with a 2.5-year payback.

Installed heating hot water condensing boilers to replace existing water tube boilers: Projected annual natural gas cost savings of $42,000 with a 15-year payback.
Installed high efficiency heating hot water boiler burner to replace existing heating hot water boiler burner: Projected annual natural gas cost savings of $21,000 with a 7.0-year payback.

**UWF Business Enterprises, Inc. (B.E.I.)**

Converted to more efficient Point of Sales (POS) software: Converted POS software from IBS to JONAS. Enhanced reporting capabilities and allows for remote access for accounting team.

Replaced copy machine with no charge unit: Replaced copy machine and accompanying lease payment with a no charge copy machine. Resulted in savings of $6,300 on an annual basis.

Installed limited access boxes around thermostats: Installed protective boxes around all thermostats in building to eliminate random changing of temperatures. Maintain cool at 74 and heat at 68. Resulted in annual utilities savings of $13,200.

Renegotiated Brinks Armored Transportation Services agreement: Worked with contractor to consolidate pickup and deliveries and reduce fuel surcharge. Resulted in annual savings of $2,020.

Renegotiated the Dining and Events Services contract: The new contract includes investments in a restaurant/retail parcel, which will result in a minimum guarantee of $125k annually for Argonaut Village Restaurant Development with future rent percentage to be negotiated for each tenant.

**Financial Services**

Decreased number of POs processed by 51 and increased PCard spend by $1,178,442: Resulted in a $181,144 rebate for FY13-14 which was a 13% increase over FY12-13 and created more efficiency in processing requests.

Changed the procedure for processing deductions for employees entering the DROP program: Eliminated the requirement to separately pay invoices for employees that enter DROP in the middle of a pay period.

Improved the employee refund process: Developed a process using a web application that programmatically updates employee deduction records, expediting processing of employee insurance refunds.

Centralized repository for business processes: University business processes associated with Banner Student have been documented in Confluence. All
business processes will ultimately be documented and stored in this common medium in a central location.

Transitioned to Banner Student Accounts Receivable: The successful conversion of account receivable balances occurred July 27 and is being fully implemented for the Fall 2014 semester. Implementation has been structured to meet university data reporting needs.

Transitioned to CashNet E-Market: The new system is providing a more efficient platform for the purchase of departmental goods and services.

Business & Auxiliary Services

UWF Postal Services use of automated addressing and processing service: Saved departments $21,447 over First-Class costs which is $5,619 additional saving over FY12-13.

Negotiated a more favorable agreement with SMA, UWF’s licensing partner: The three-year extension will provide the University with an additional 5% in commissions of the first $25,000 in annual revenue.

UWF Bookstore text rental program expanded: In FY13-14 the program generated $251,200 in savings to students of over purchasing new texts compared to $218,000 in FY12-13, an increase of $33,200 in savings.

UWF Bookstore digital course material expanded: The availability of digital course material was increased by more than 200 units over last year. In FY13-14 the digital text option provided more than $24,000 in savings to students over purchasing new printed textbooks, compared to $15,000 in FY12-13, an increase of $9,000 in savings.

Received Board approval for a lower cost parking option: A new “remote lot” permit is priced at one-half of the lowest automobile permit price and will be valid for specific locations on the east side of campus. Shuttles will deliver students and staff from the remote lot to the core of campus. A benefit to the new option is that it will increase efficiency by opening parking spaces in the high traffic locations.

Purchased a GPS trolley tracking application: The app will allow riders to access trolley location and wait times in real time on smart-phones and other mobile devices. The app will allow for better planning and safety. Increased use of the trolley will create more efficient use of available parking spaces.
Increased use of public transportation with bus pass policy: Improved communication about complimentary bus passes to currently enrolled students while classes are in session and provided a second location for bus pass pick up. 5,834 bus passes were distributed to students in FY13-14 compared to 2,152 in FY12-13, an increase of 3,682 or 171%. Encouraging students to use public transportation helps to reduce the number of single occupancy vehicles on campus and helps to improve parking efficiency.

University of West Florida: Division of Academic Affairs

Office of the Provost

Continued document-imaging implementation: Creating additional electronic processes and cross-training office staff in the procedures to increase office effectiveness.

Created a financial break-even analysis tool: Allowing the colleges to identify courses which need to be considered for removal or consolidation due to low enrollment. This replaces several reports that previously had to be specifically requested and took hours to generate and return to the requestor.

Created a system allowing college financial managers to automatically generate summer assignment letters: Using real time course data, this has allowed colleges to make course offerings and faculty assignment changes and immediately generate a new letter. In the past, there was a wait of days to weeks before new letters would be created, and they had to be individually written in MS Word.

Standardized and streamlined the request and approval process for additional/extra compensation: Implementing an online form that can gather all necessary data to complete the form and calculate the hourly rates, FTE, annual caps, and many other fields, which were previously manually entered. This has saved considerable time in data entry, information look-up, error checking, and redundant processing. Over the next year, the process will be further improved by implementing an all-electric workflow for the forms.

Continued to utilize volunteer workers for document scanning: Reducing file storage space and increasing office productivity.

Developed a single tracking mechanism: Enhancing faculty and staff position searches.

Information Technology Services
Converted telephone circuits from AT&T SmartRing to Department of Management Services PRIs: Savings average $4K/month or $48K annually.

Reviewed Oracle invoices: Management review of Oracle software contracts and invoices uncovered $55K in maintenance over-billings from Oracle, for which the university was credited.

Consolidated university software licenses: Consolidation of college and department-level software licenses into university-wide licenses has resulted in approximately $10K in aggregate cost avoidance for the university.

Coordinated computer lab upgrades: UWF performed university-wide upgrades of student computer labs on a coordinated schedule, allowing for discounts arising from bulk purchases of computers. Aggregate savings is approximately $15K annually.

Continued document imaging in Undergraduate Admissions, Financial Aid, and Registrar departments: Moving from paper to electronic document processing improves services to students, improves the speed of business processes, and reduces cost of file storage space and equipment.

Consolidated to a single document imaging system: Legacy documents in UWF’s Nolij system are being converted to Banner Document Management. Using a single document imaging system for the university will save approximately $40K annually in software licensing costs.

**John C. Pace Library**

Analyzed interlibrary loan usage and cost data to identify savings: Reviewed the cost-per-article use for each of our subscription e-journal titles. Based upon the calculated cost of $11.17 to borrow an article through our ILL service, the UWF Libraries canceled 23 journal titles savings $10,726 in FY2014.

Implemented a Personal Librarian program: The program provides for email communication with new freshmen and online program students about the availability of library resources, services and assistance in effort to assist with retention efforts.

Implemented LibAnswers, an online Knowledge Base system: The system provides additional information at all times about library resources and services to virtual and remote students.

Implemented LibAnalytics: This increased efficiency and productivity when maintaining library statistical data.
Implemented tutorials for information literacy and bibliographic instruction: The audio/visual instruction sessions were created and made available, on-demand, for use as needed by students and faculty on the libraries’ website.

Redesigned Information Fluency online tutorials: The tutorials directly align with the Association of College and Research Libraries’ (ACRL) Information Literacy Standards for Higher Education, and increase the number of opportunities for UWF Libraries to undertake student learning outcomes assessments.

Installed software on the libraries’ 11 SmartBoards: The software enables student collaboration when using graphing calculators.

University of West Florida: Division of Advancement

WUWF Public Media

Outsourced processing of donor contributions: WUWF Public Media worked with NPR Digital Services to develop a new online pledge form at no cost during FY2014 and secured a PCI compliant credit card processing system with a projected annual savings of $3,600 in FY2015.

Upgraded broadcast transmitter: WUWF radio replaced a 25-year-old tube transmitter with a more efficient solid state unit with 100% built-in redundancy and “hot swap” capability to replace parts without having to shut down the system, minimizing maintenance costs and time off the air.

Expanded sustaining donor program: Steady growth in acquiring new and converting existing donors to sustaining members who contribute on a monthly basis via EFT or credit cards is resulting in reduced costs in processing, use of paper and postage.

UWF Historic Trust

Replaced lighting with energy efficient lamps: Renovation of the T. T. Wentworth, Jr. Florida State Museum replaced 118 incandescent 90-watt bulbs with 122 LED 14-watt bulbs, saving 8,917.5 watts and receiving a $3,000 rebate from Gulf Power for energy efficiency.

Replaced lighting with energy efficient lamps: Renovation of the Norman Simons Building to house the new Voices of Pensacola, Multicultural Resource Center replaced the incandescent lighting system with new LED efficient lighting. A mixture of 25 90-watt incandescent bulbs and 40 40-watt fluorescent
bulbs were replaced with 80 LED 14-watts lights. This resulted in a reduction of 2,355 watts. The upgraded lighting system will also use specialized switches and sensors to control the lighting system to further reduce energy costs.

**Replaced boiler with more energy efficient unit:** Replacement of the T. T. Wentworth, Jr. Florida State Museum boiler required the removal of a 10-year-old gas boiler that had between 75 to 80 percent efficiency, with a new Fusion Boiler that has an estimated 99 percent efficiency. The new boiler will dramatically reduce gas and electricity consumption and has a longer expected life-span than the previous boiler.

**University of West Florida: Division of Student Affairs**

**Office of Case Management**

Created online forms for all processes relating to the Argo Pantry: Application, evaluation, tracking, etc. for the Argo Pantry emergency assistance program is handled electronically which reduces the use of paper documents thus increasing office efficiency and student privacy.

**Student Transition Programs**

Student Transition Programs worked with ITS to transition the orientation registration process to an outside vendor, Visual Zen: Visual Zen went live on February 6, 2014. It streamlined process such as student and guest registration, payment processing, email communication and confirmations, data tracking, reports, pre-orientation videos and online transfer orientation. Other offices that have shared in working with this system are Cashier's Office, Admissions, Nautilus ID Card Office and First Year Advising Center.

**University of West Florida: Division of the President**

**Office of Economic Development and Engagement (OEDE)**

Partnered with UWF Library to make “DemographicsNow” database available to the community: Providing this resource through the UWF Library website leveraged funding to efficiently provide demographic information to a wider audience.

Negotiated a reduced cost for leased space for the OEDE downtown office.

Improved office processes by utilizing electronic delivery methods: Examples include submitting electronic copies of reports to DEO rather than paper and
submitting Industry Recruitment Retention Expansion Fund (IRREF) grant program communications to awardees via email rather than mailing.

**Human Resources**

**Expanded access to training:** All mandatory UWF training sessions were made available online via E-Learning.

**Created an online option for employee exit interviews:** The availability of an electronic process has increased exiting employee’s response rate which helps the University identify and address problems.

**Hiring guides were updated, which increased end-user efficiency.**

**Workers’ Compensation continues to be managed online via a shared network folder. (Implemented during 12/13)**

**Cross-divisional sharing of specific, relevant employee records:** Employees’ Conflict of Interest/Outside Activity self-reported information is shared with Procurement employees, simplifying their process of checking for potential conflicts of interest in the procurement function.

**Improved communication regarding employee benefits:** Initiated a monthly program spotlighting benefits and services available to the campus community in an effort to make employees more aware of their benefits at UWF.

**Upgraded and restructured the Human Resources website:** The Content Management System (CMS) structured website includes portals for applicants, employees, and supervisors containing specific information for those constituents thus making it more user friendly and easier to update.

**Office of the President**

**Instituted paperless office processes:** This change saved 55% of supply cost.

**Instituted use of I-pads for UWF Board of Trustee meetings:** This significantly reduced staff time spent on setup and breakdown for BOT meetings.

**Internal Audit & Management Consulting**

**Amount of hours spent in auditing increased by 3 percent over last year due to staff efficiencies.**

**General Counsel**
**Significantly improved processing time of contracts:** Created efficiencies through streamlining of the process.

**Streamlined the policy update/review process:** The office of the General Counsel processed 47 updates during FY13-14 as compared to 5 in FY12-13, 14 in FY11-12 and 7 in FY10-11.

**Haas Center**

**Created standard pricing model:** The new model ensures consistency and ease of pricing comparison for contracts.
Identify new efficiency initiatives that are underway or are being contemplated, along with potential cost savings.

Implementing an electronic work order management process: Utilizing TMA work order management system will improve significantly the opening, distribution, execution, and completion of work orders by eliminating manual work order processing through utilization of hand held electronic devices. The business plan for this process was completed February 2014 and will be implemented next year.

Transitioning to CashNet Cashiering: Will automate departmental cashiering, facilitate the offering of additional services to students, and relieve the university of the labor and cost associated with payment by credit card.

Continuing to research contract management software: This would allow Procurement to be the central depository of all contracts. Features would assist in complying with House Bill 1309 that became effective July 1, 2013.

Planning pilot program for contactless door access: Implementation will involve three sites in which door entry is obtained via UWF ID card. The contactless technology is projected to provide added convenience, faster entry, better security, and improved durability of Nautilus Cards and readers.

Planning development and implementation of a campus way-finding application: The app is expected to be a user-friendly way for students and visitors of the University of West Florida to find directions from their mobile devices. The app will provide an improvement/enhancement to existing maps and signage.

Implementing ConnectOnce/Booknow+: The UWF Bookstore in conjunction with UWF IT department will implement an enhanced version of registration integration--system by which students obtain needed course materials based on individual class schedules. The system improves functionality for students and faculty.

Implementing T2 parking permit and ticketing system: The new permit and enforcement solution allows for management of permit issuance and real-time access to citation information. The system will provide more efficient use of staff time, better record keeping, and greater accuracy in handling permits and citations.
Continuing to implement Ellucian’s Banner Travel & Expense Management module: This software will be used to convert paper-based processes for travel and expense authorizations to electronic transactions. This will improve process speed and efficiency and reduce paperwork.

Planning implementation of InCommon and Shibboleth federated identity management to allow sharing of services outside the institution. These federated identity technologies will allow UWF to collaborate with other universities in shared services. For example, Shibboleth will allow UWF students and faculty to use online library resources available via the Haithitrust collaboration.

Planning migration to a more cost-effective business continuity host site. UWF is exploring alternatives to our current “warm site” disaster recovery hosting services in order to reduce costs of these business continuity services. Savings of $20K annually are sought.

Planning creation of Apple certified service center. UWF is exploring the creation of an in-house Apple certified service center to provide warranty and after-warranty repairs on Apple equipment, with the anticipation of savings to the university and a possible revenue stream from providing services to individuals.

Planning PPEMS software upgrad: The upgrade will increase recruiting, job descriptions and performance evaluations management efficiency.

Sharing video/web-conferencing services via Florida LambdaRail’s BlueJeans service: UWF is piloting use of the BlueJeans system for video-conferencing and web-conferencing. Bluejeans is a FLR Net+ service available to Florida LambdaRail members and affiliates. Using the shared BlueJeans FLR+ service saves UWF approximately $12K annually in software license costs.
An act relating to taxation; amending s. 202.11, F.S.; revising the term "prepaid calling arrangement"; amending s. 212.05, F.S.; clarifying and updating which services are included under the definition "prepaid calling arrangement" and subject to a sales tax; conforming provisions to changes made by the act to taxes on electrical power and energy made; providing retroactive application; amending s. 203.01, F.S.; providing for an additional tax on charges for, or the use of, certain electrical power or energy and the rate for such tax; providing an exemption; providing for the redistribution of certain taxes on electrical power and energy; providing applicability; providing that a seller of electrical power or energy may combine the collection of certain taxes if properly reflected in its return to the Department of Revenue; amending s. 205.0535, F.S.; providing that a county or municipality may repeal or reduce a local business tax by majority vote; amending s. 210.20, F.S.; revising the payment and distribution of the Cigarette Tax Collection Trust Fund; amending s. 212.08, F.S.; exempting therapeutic veterinary diets obtainable only from a licensed veterinarian from the state tax on sales, use, and other transactions;
increasing the amount of tax credits that may be
granted for certain approved projects that provide
homeownership opportunities; extending the expiration
date applicable to the granting of community
contribution tax credits against the sales and use tax
for contributions to eligible sponsors of community
projects approved by the Department of Economic
Opportunity; revising provisions exempting certain
prepaid meal plans and certain machinery and equipment
from the sales and use tax exempting sales of child
restraint systems and booster seats for use in motor
vehicles and youth bicycle helmets from the sales and
use tax; amending s. 212.12, F.S.; conforming
provisions to changes made by the act; amending s.
212.20, F.S.; revising the distribution of taxes,
including the taxes collected on charges for
electrical power and energy; authorizing the
Department of Revenue to adopt emergency rules;
amending s. 212.17, F.S.; providing procedures,
requirements, and calculation methodologies that allow
dealers to obtain tax credits or refunds for taxes
paid on worthless or uncollectible private-label
credit card accounts or receivables; providing a cap
on the amount that may be recovered; providing
definitions; amending s. 213.0535, F.S.; providing
provisions related to the publication of statistics regarding the Registration Information Sharing and Exchange Program; amending s. 220.183, F.S.; increasing the amount of tax credits that may be granted for certain approved programs; extending the expiration date applicable to the granting of community contribution tax credits against the corporate income tax for contributions to eligible sponsors of community projects approved by the Department of Economic Opportunity; amending s. 288.9914, F.S.; revising limits on tax credits that may be approved by the Department of Economic Opportunity under the New Markets Development Program; amending s. 624.4094, F.S.; deleting a provision relating to the reporting or payment of specified insurance premium taxes; amending s. 624.509, F.S.; requiring an insurer to pay to the Department of Revenue a specified amount of the direct written premiums for bail bonds; amending s. 624.5105, F.S.; increasing the amount of tax credits that may be granted for certain approved programs; extending the expiration date applicable to the granting of community contribution tax credits against the insurance premium tax for contributions to eligible sponsors of community projects approved by the
Department of Economic Opportunity; amending s. 627.7711, F.S.; conforming provisions to changes made by the act; providing for a sales tax holiday for certain Energy Star and WaterSense products; providing restrictions; specifying a period during which the sale of clothing, wallets, bags, school supplies, personal computers, and personal computer-related accessories are exempt from the sales tax; providing definitions; providing exceptions; authorizing the Department of Revenue to adopt emergency rules; providing an exemption from the sales and use tax for sales during a specified period of certain tangible personal property related to hurricane preparedness; authorizing the Department of Revenue to adopt emergency rules; providing an exemption from the sales and use tax for sales during a specified period of certain tangible personal property related to hurricane preparedness; authorizing the Department of Revenue to adopt emergency rules; providing appropriations; providing effective dates.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Effective July 1, 2014, subsection (9) of section 202.11, Florida Statutes, is amended to read:
202.11 Definitions.—As used in this chapter, the term:

(9) "Prepaid calling arrangement" means: the separately stated retail sale by advance payment of

(a) A right to use communications services, other than mobile communications services, for which a separately stated price must be paid in advance, which is sold at retail in predetermined units that decline in number with use on a predetermined basis, and which consist exclusively of telephone calls originated by using an access number, authorization code, or other means that may be manually, electronically, or otherwise entered; or and that are sold in predetermined units or dollars of which the number declines with use in a known amount.

(b) A right to use mobile communications services that must be paid for in advance and is sold at retail in predetermined units that expire or decline in number on a predetermined basis if:

1. The purchaser's right to use mobile communications services terminates upon all purchased units' expiring or being exhausted unless the purchaser pays for additional units;

2. The purchaser is not required to purchase additional units; and

3. Any right of the purchaser to use units to obtain communications services other than mobile communications services is limited to services that are provided to or through
the same handset or other electronic device that is used by the
purchaser to access mobile communications services.

Predetermined units described in this subsection may be
quantified as amounts of usage, time, money, or a combination of
these or other means of measurement.

Section 2. Effective July 1, 2014, paragraph (e) of
subsection (1) of section 212.05, Florida Statutes, is amended
to read:

212.05 Sales, storage, use tax.—It is hereby declared to
be the legislative intent that every person is exercising a
taxable privilege who engages in the business of selling
tangible personal property at retail in this state, including
the business of making mail order sales, or who rents or
furnishes any of the things or services taxable under this
chapter, or who stores for use or consumption in this state any
item or article of tangible personal property as defined herein
and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on
each taxable transaction or incident, which tax is due and
payable as follows:

(e)1. At the rate of 6 percent on charges for:

a. Prepaid calling arrangements. The tax on charges for
prepaid calling arrangements shall be collected at the time of
sale and remitted by the selling dealer.
Prepaid calling arrangement" has the same meaning as provided in s. 202.11 means the separately stated retail sale by advance payment of communications services that consist exclusively of telephone calls originated by using an access number, authorization code, or other means that may be manually, electronically, or otherwise entered and that are sold in predetermined units or dollars whose number declines with use in a known amount.

(II) If the sale or recharge of the prepaid calling arrangement does not take place at the dealer's place of business, it shall be deemed to have taken place at the customer's shipping address or, if no item is shipped, at the customer's address or the location associated with the customer's mobile telephone number.

(III) The sale or recharge of a prepaid calling arrangement shall be treated as a sale of tangible personal property for purposes of this chapter, regardless of whether or not a tangible item evidencing such arrangement is furnished to the purchaser, and such sale within this state subjects the selling dealer to the jurisdiction of this state for purposes of this subsection.

(IV) No additional tax under this chapter or chapter 202 is due or payable if a purchaser of a prepaid calling arrangement who has paid tax under this chapter on the sale or recharge of such arrangement applies one or more units of the
prepaid calling arrangement to obtain communications services as described in s. 202.11(9)(b)3., other services that are not communications services, or products.

b. The installation of telecommunication and telegraphic equipment.

c. Electrical power or energy, except that the tax rate for charges for electrical power or energy is 4.35% percent. Charges for electrical power and energy do not include taxes imposed under ss. 166.231 and 203.01(1)(a)3.

2. Section The provisions of s. 212.17(3), regarding credit for tax paid on charges subsequently found to be worthless, is shall be equally applicable to any tax paid under the provisions of this section on charges for prepaid calling arrangements, telecommunication or telegraph services, or electric power subsequently found to be uncollectible. As used in this paragraph, the term word "charges" in this paragraph does not include any excise or similar tax levied by the Federal Government, any political subdivision of this the state, or any municipality upon the purchase, sale, or recharge of prepaid calling arrangements or upon the purchase or sale of telecommunication, television system program, or telegraph service or electric power, which tax is collected by the seller from the purchaser.

Section 3. The amendments made to ss. 202.11 and 212.05(1)(e)1.a., Florida Statutes, by this act are intended to
be remedial in nature and apply retroactively, but do not provide a basis for an assessment of any tax not paid or create a right to a refund or credit of any tax paid before the effective date of this act.

Section 4. Effective July 1, 2014, subsections (1), (3), (4), and (7) of section 203.01, Florida Statutes, are amended to read:

203.01 Tax on gross receipts for utility and communications services.—

(1)(a)1. A tax is imposed on gross receipts from utility services that are delivered to a retail consumer in this state. The tax shall be levied as provided in paragraphs (b)-(j).

2. A tax is levied on communications services as defined in s. 202.11(1). The tax shall be applied to the same services and transactions as are subject to taxation under chapter 202, and to communications services that are subject to the exemption provided in s. 202.125(1). The tax shall be applied to the sales price of communications services when sold at retail, as the terms are defined in s. 202.11, shall be due and payable at the same time as the taxes imposed pursuant to chapter 202, and shall be administered and collected pursuant to the provisions of chapter 202.

3. An additional tax is levied on charges for, or the use of, electrical power or energy that is subject to the tax levied pursuant to s. 212.05(1)(e)1.c. or s. 212.06(1). The tax shall
be applied to the same transactions or uses as are subject to
taxation under s. 212.05(1)(e)1.c. or s. 212.06(1). If a
transaction or use is exempt from the tax imposed under
212.05(1)(e)1.c. or s. 212.06(1), the transaction or use is also
exempt from the tax imposed under this subparagraph. The tax
shall be applied to charges for electrical power or energy and
is due and payable at the same time as taxes imposed pursuant to
chapter 212. Chapter 212 governs the administration and
enforcement of the tax imposed by this subparagraph. The charges
upon which the tax imposed by this subparagraph is applied do
not include the taxes imposed by subparagraph 1. or s. 166.231.
The tax imposed by this subparagraph becomes state funds at the
moment of collection and is not considered as revenue of a
utility for purposes of a franchise agreement between the
utility and a local government.

(b)1. The rate applied to utility services shall be 2.5
percent.
2. The rate applied to communications services shall be
2.37 percent.
3. There shall be An additional rate of 0.15 percent shall
be applied to communication services subject to the tax levied
pursuant to s. 202.12(1)(a), (c), and (d). The exemption
provided in s. 202.125(1) applies to the tax levied pursuant to
this subparagraph.
4. The rate applied to electrical power or energy taxed
under subparagraph (a)3. shall be 2.6 percent.

(c)1. The tax imposed under subparagraph (a)1. shall be levied against the total amount of gross receipts received by a distribution company for its sale of utility services if the utility service is delivered to the retail consumer by a distribution company and the retail consumer pays the distribution company a charge for utility service which includes a charge for both the electricity and the transportation of electricity to the retail consumer. The distribution company shall report and remit to the Department of Revenue by the 20th day of each month the taxes levied pursuant to this paragraph during the preceding month.

2. To the extent practicable, the Department of Revenue must distribute all receipts of taxes remitted under this chapter to the Public Education Capital Outlay and Debt Service Trust Fund in the same month as the department collects such taxes.

(d)1. Each distribution company that receives payment for the delivery of electricity to a retail consumer in this state is subject to tax on the exercise of this privilege as provided by this paragraph unless the payment is subject to tax under paragraph (c). For the exercise of this privilege, the tax levied on the such distribution company's receipts for the delivery of electricity shall be determined by multiplying the number of kilowatt hours delivered by the index price and
applying the rate in subparagraph (b), paragraph (b) to the result.

2. The index price is the Florida price per kilowatt hour for retail consumers in the previous calendar year, as published in the United States Energy Information Administration Electric Power Monthly and announced by the Department of Revenue on June 1 of each year to be effective for the 12-month period beginning July 1 of that year. For each residential, commercial, and industrial customer class, the applicable index posted for residential, commercial, and industrial will be applied in calculating the gross receipts to which the tax applies. If publication of the indices is delayed or discontinued, the last posted index shall be used until a current index is posted or the department adopts a comparable index by rule.

3. Tax due under this paragraph shall be administered, paid, and reported in the same manner as the tax due under paragraph (c).

4. The amount of tax due under this paragraph shall be reduced by the amount of any like tax lawfully imposed on and paid by the person from whom the retail consumer purchased the electricity, whether imposed by and paid to this state, another state, a territory of the United States, or the District of Columbia. This reduction in tax shall be available to the retail consumer as a refund made pursuant to s. 215.26 and does not inure to the benefit of the person who receives payment for the
delivery of the electricity. The methods of demonstrating proof of payment and the amount of such refund shall be made according to rules of the Department of Revenue.

(e)1. Every distribution company that receives payment for the sale or transportation of natural or manufactured gas to a retail consumer in this state is subject to tax on the exercise of this privilege as provided by this paragraph. For the exercise of this privilege, the tax levied on the distribution company's receipts for the sale or transportation of natural or manufactured gas shall be determined by dividing the number of cubic feet delivered by 1,000, multiplying the resulting number by the index price, and applying the rate in subparagraph (b)1. paragraph (b) to the result.

2. The index price is the Florida price per 1,000 cubic feet for retail consumers in the previous calendar year as published in the United States Energy Information Administration Natural Gas Monthly and announced by the Department of Revenue on June 1 of each year to be effective for the 12-month period beginning July 1 of that year. For each residential, commercial, and industrial customer class, the applicable index posted for residential, commercial, and industrial will be applied in calculating the gross receipts to which the tax applies. If publication of the indices is delayed or discontinued, the last posted index shall be used until a current index is posted or the department adopts a comparable index by rule.
3. Tax due under this paragraph shall be administered, paid, and reported in the same manner as the tax due under paragraph (c).

4. The amount of tax due under this paragraph shall be reduced by the amount of any like tax lawfully imposed on and paid by the person from whom the retail consumer purchased the natural gas or manufactured gas, whether imposed by and paid to this state, another state, a territory of the United States, or the District of Columbia. This reduction in tax shall be available to the retail consumer as a refund pursuant to s. 215.26 and does not inure to the benefit of the person providing the transportation service. The methods of demonstrating proof of payment and the amount of such refund shall be made according to rules of the Department of Revenue.

(f) Any person who imports into this state electricity, natural gas, or manufactured gas, or severs natural gas, for that person's own use or consumption as a substitute for purchasing utility, transportation, or delivery services taxable under subparagraph (a)1. this chapter and who cannot demonstrate payment of the tax imposed by this chapter must register with the Department of Revenue and pay into the State Treasury each month an amount equal to the cost price, as defined in s. 212.02, of such electricity, natural gas, or manufactured gas times the rate set forth in subparagraph (b)1. paragraph (b), reduced by the amount of any like tax lawfully imposed on and
paid by the person from whom the electricity, natural gas, or manufactured gas was purchased or any person who provided delivery service or transportation service in connection with the electricity, natural gas, or manufactured gas. For purposes of this paragraph, the term "cost price" has the meaning ascribed in s. 212.02(4). The methods of demonstrating proof of payment and the amount of such reductions in tax shall be made according to rules of the Department of Revenue.

(g) Electricity produced by cogeneration or by small power producers which is transmitted and distributed by a public utility between two locations of a customer of the utility pursuant to s. 366.051 is subject to the tax imposed by subparagraph (a)1 of this section. The tax shall be applied to the cost price, as defined in s. 212.02, of such electricity as provided in s. 212.02(4) and shall be paid each month by the producer of such electricity.

(h) Electricity produced by cogeneration or by small power producers during the 12-month period ending June 30 of each year which is in excess of nontaxable electricity produced during the 12-month period ending June 30, 1990, is subject to the tax imposed by subparagraph (a)1 of this section. The tax shall be applied to the cost price, as defined in s. 212.02, of such electricity as provided in s. 212.02(4) and shall be paid each month, beginning with the month in which total production exceeds the production of nontaxable electricity for the 12-
month period ending June 30, 1990. As used in any purposes of this paragraph, the term "nontaxable electricity" means electricity produced by cogeneration or by small power producers which is not subject to tax under paragraph (g). Taxes paid pursuant to paragraph (g) may be credited against taxes due under this paragraph. Electricity generated as part of an industrial manufacturing process that manufactures products from phosphate rock, raw wood fiber, paper, citrus, or any agricultural product shall not be subject to the tax imposed by this paragraph. The term "industrial manufacturing process" means the entire process conducted at the location where the process takes place.

(i) Any person other than a cogenerator or small power producer described in paragraph (h) who produces for his or her own use electrical energy that is a substitute for electrical energy produced by an electric utility as defined in s. 366.02 is subject to the tax imposed by subparagraph (a)1 this section. The tax shall be applied to the cost price, as defined in s. 212.02, of such electrical energy as provided in s. 212.024 and shall be paid each month. The provisions of this paragraph do not apply to any electrical energy produced and used by an electric utility.

(j) Notwithstanding any other provision of this chapter, with the exception of a communications services dealer reporting taxes administered under chapter 202, the department may
require:

1. A quarterly return and payment when the tax remitted for the preceding four calendar quarters did not exceed $1,000;
2. A semiannual return and payment when the tax remitted for the preceding four calendar quarters did not exceed $500; or
3. An annual return and payment when the tax remitted for the preceding four calendar quarters did not exceed $100.

(3) The tax imposed by subparagraph (1)(a)1. subsection (1) does not apply to:

(a)1. The sale or transportation of natural gas or manufactured gas to a public or private utility, including a municipal corporation or rural electric cooperative association, either for resale or for use as fuel in the generation of electricity; or
2. The sale or delivery of electricity to a public or private utility, including a municipal corporation or rural electric cooperative association, for resale, or as part of an electrical interchange agreement or contract between such utilities for the purpose of transferring more economically generated power;

if provided the person deriving gross receipts from such sale demonstrates that a sale, transportation, or delivery for resale in fact occurred and complies with the following requirements: A sale, transportation, or delivery for resale must be in strict
compliance with the rules and regulations of the Department of
Revenue; and any sale subject to the tax imposed by this section
which is not in strict compliance with the rules and regulations
of the Department of Revenue shall be subject to the tax at the
appropriate rate imposed on utilities under subparagraph
(1)(b)1. by paragraph (b) on the person making the sale. Any
person making a sale for resale may, through an informal protest
provided for in s. 213.21 and the rules of the Department of
Revenue, provide the department with evidence of the exempt
status of a sale. The department shall adopt rules that provide
that valid proof and documentation of the resale by a person
making the sale for resale will be accepted by the department
when submitted during the protest period but will not be
accepted when submitted in any proceeding under chapter 120 or
any circuit court action instituted under chapter 72;
(b) Wholesale sales of electric transmission service;
(c) The use of natural gas in the production of oil or
gas, or the use of natural or manufactured gas by a person
transporting natural or manufactured gas, when used and consumed
in providing such services; or
(d) The sale or transportation to, or use of, natural gas
or manufactured gas by a person eligible for an exemption under
s. 212.08(7)(ff)2. for use as an energy source or a raw
material. Possession by a seller of natural or manufactured gas
or by any person providing transportation or delivery of natural
or manufactured gas of a written certification by the purchaser, certifying the purchaser's entitlement to the exclusion permitted by this paragraph, relieves the seller or person providing transportation or delivery from the responsibility of remitting tax on the nontaxable amounts, and the department shall look solely to the purchaser for recovery of such tax if the department determines that the purchaser was not entitled to the exclusion. The certification must include an acknowledgment by the purchaser that it will be liable for tax pursuant to paragraph (1)(f) if the requirements for exclusion are not met.

(4) The tax imposed pursuant to subparagraph (1)(a)1. this chapter relating to the provision of any utility services at the option of the person supplying the taxable services may be separately stated as Florida gross receipts tax on the total amount of any bill, invoice, or other tangible evidence of the provision of such taxable services and may be added as a component part of the total charge. If whenever a provider of taxable services elects to separately state such tax as a component of the charge for the provision of such taxable services, any person, including all governmental units, shall remit the tax to the person who provides such taxable services as a part of the total bill, and the tax is a component part of the debt of the purchaser to the person who provides such taxable services until paid and, if unpaid, is recoverable at law in the same manner as any other part of the charge for
such taxable services. For a utility, the decision to separately state any increase in the rate of tax imposed by this chapter which is effective after December 31, 1989, and the ability to recover the increased charge from the customer shall not be subject to regulatory approval.

(7) Gross receipts subject to the tax imposed under subparagraph (1)(a)1. by this section for the provision of electricity must include receipts from monthly customer charges or monthly customer facility charges.

Section 5. The amendments to s. 212.05(1)(e)1.c. made in section 2 of this act apply to taxable transactions included on bills that are for utility services and that are dated on or after July 1, 2014.

Section 6. In complying with the amendments to ss. 203.01 and 212.05, Florida Statutes, relating to the additional tax on electrical power or energy, made by this act, a seller of electrical power or energy may collect a combined rate of 6.95 percent, which consists of the 4.35 percent and 2.6 percent required under ss. 212.05(1)(e)1.c. and 203.01(1)(b)4., Florida Statutes, respectively, if the provider properly reflects the tax collected with respect to the two provisions as required in the return to the Department of Revenue.

Section 7. Subsections (4) and (5) of section 205.0535, Florida Statutes, are amended to read:

205.0535 Reclassification and rate structure revisions.—
(4) After the conditions specified in subsections (2) and (3) are met, municipalities and counties may, every other year thereafter, increase or decrease by ordinance the rates of business taxes by up to 5 percent. However, an increase must, however, may not be enacted by at least less than a majority plus one vote of the governing body.

(5) Nothing in This chapter does not shall be construed to prohibit a municipality or county from decreasing or repealing any business tax authorized under this chapter. By majority vote, the governing body of a county or municipality may adopt an ordinance repealing a local business tax or establishing new rates that decrease local business taxes and do not result in an increase in local business taxes for a taxpayer. Such ordinances are not subject to subsections (2) and (3).

(6) A receipt may not be issued unless the federal employer identification number or social security number is obtained from the person to be taxed.

Section 8. Paragraph (b) of subsection (2) of section 210.20, Florida Statutes, is amended to read:

210.20 Employees and assistants; distribution of funds.—
(2) As collections are received by the division from such cigarette taxes, it shall pay the same into a trust fund in the State Treasury designated "Cigarette Tax Collection Trust Fund" which shall be paid and distributed as follows:

(b) Beginning July 1, 2004, and continuing through June
30, 2013, the division shall from month to month certify to the Chief Financial Officer the amount derived from the cigarette tax imposed by s. 210.02, less the service charges provided for in s. 215.20 and less 0.9 percent of the amount derived from the cigarette tax imposed by s. 210.02, which shall be deposited into the Alcoholic Beverage and Tobacco Trust Fund, specifying an amount equal to 1.47 percent of the net collections, and that amount shall be paid to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute, established under s. 1004.43, by warrant drawn by the Chief Financial Officer. Beginning July 1, 2014, and continuing through June 30, 2033, the division shall from month to month certify to the Chief Financial Officer the amount derived from the cigarette tax imposed by s. 210.02, less the service charges provided for in s. 215.20 and less 0.9 percent of the amount derived from the cigarette tax imposed by s. 210.02, which shall be deposited into the Alcoholic Beverage and Tobacco Trust Fund, specifying an amount equal to 4.04 percent of the net collections, and that amount shall be paid to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute, established under s. 1004.43, by warrant drawn by the Chief Financial Officer. These funds are appropriated monthly out of the Cigarette Tax Collection Trust Fund, to be used for lawful purposes, including constructing, furnishing, equipping, financing, operating, and maintaining cancer research and...
clinical and related facilities; furnishing, equipping, operating, and maintaining other properties owned or leased by the H. Lee Moffitt Cancer Center and Research Institute; and paying costs incurred in connection with purchasing, financing, operating, and maintaining such equipment, facilities, and properties. In fiscal years 2004-2005 and thereafter, the appropriation to the H. Lee Moffitt Cancer Center and Research Institute authorized by this subparagraph shall not be less than the amount that would have been paid to the H. Lee Moffitt Cancer Center and Research Institute in fiscal year 2001-2002, had this subparagraph been in effect.

Section 9. Effective July 1, 2014, paragraphs (i) through (k) of subsection (2) of section 212.08, Florida Statutes, are redesignated as paragraphs (j) through (l), respectively, and a new paragraph (i) is added to that subsection, paragraph (p) of subsection (5) and paragraph (r) of subsection (7) are amended, paragraph (kkk) of subsection (7), as created by chapter 2013-39, Laws of Florida, is amended, and paragraphs (lll) and (mmm) are added to subsection (7) of that section, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.
(2) EXEMPTIONS; MEDICAL.—
(i) Sales of therapeutic veterinary diets specifically formulated to aid in the management of illness and disease of a diagnosed health disorder in an animal and which are only available from a licensed veterinarian are exempt from the tax imposed under this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—
(p) Community contribution tax credit for donations.—
1. Authorization.—Persons who are registered with the department under s. 212.18 to collect or remit sales or use tax and who make donations to eligible sponsors are eligible for tax credits against their state sales and use tax liabilities as provided in this paragraph:
   a. The credit shall be computed as 50 percent of the person's approved annual community contribution.
   b. The credit shall be granted as a refund against state sales and use taxes reported on returns and remitted in the 12 months preceding the date of application to the department for the credit as required in sub-subparagraph 3.c. If the annual credit is not fully used through such refund because of insufficient tax payments during the applicable 12-month period, the unused amount may be included in an application for a refund made pursuant to sub-subparagraph 3.c. in subsequent years against the total tax payments made for such year. Carryover credits may be applied for a 3-year period without regard to any
time limitation that would otherwise apply under s. 215.26.

c. A person may not receive more than $200,000 in annual tax credits for all approved community contributions made in any one year.

d. All proposals for the granting of the tax credit require the prior approval of the Department of Economic Opportunity.

e. The total amount of tax credits which may be granted for all programs approved under this paragraph, s. 220.183, and s. 624.5105 is $18.4 million annually for projects that provide homeownership opportunities for low-income households or very-low-income households as those terms are defined in s. 420.9071(19) and (28) and $3.5 million annually for all other projects.

f. A person who is eligible to receive the credit provided for in this paragraph, s. 220.183, or s. 624.5105 may receive the credit only under the one section of the person's choice.

2. Eligibility requirements.—

a. A community contribution by a person must be in the following form:

(I) Cash or other liquid assets;

(II) Real property;

(III) Goods or inventory; or

(IV) Other physical resources as identified by the Department of Economic Opportunity.
b. All community contributions must be reserved exclusively for use in a project. As used in this sub-subparagraph, the term "project" means any activity undertaken by an eligible sponsor which is designed to construct, improve, or substantially rehabilitate housing that is affordable to low-income households or very-low-income households as those terms are defined in s. 420.9071(19) and (20); designed to provide commercial, industrial, or public resources and facilities; or designed to improve entrepreneurial and job-development opportunities for low-income persons. A project may be the investment necessary to increase access to high-speed broadband capability in rural communities with enterprise zones, including projects that result in improvements to communications assets that are owned by a business. A project may include the provision of museum educational programs and materials that are directly related to a project approved between January 1, 1996, and December 31, 1999, and located in an enterprise zone designated pursuant to s. 290.0065. This paragraph does not preclude projects that propose to construct or rehabilitate housing for low-income households or very-low-income households on scattered sites. With respect to housing, contributions may be used to pay the following eligible low-income and very-low-income housing-related activities:

(I) Project development impact and management fees for low-income or very-low-income housing projects;
(II) Down payment and closing costs for low-income persons and very-low-income eligible persons, as those terms are defined in s. 420.9071(19) and (28);

(III) Administrative costs, including housing counseling and marketing fees, not to exceed 10 percent of the community contribution, directly related to low-income or very-low-income projects; and

(IV) Removal of liens recorded against residential property by municipal, county, or special district local governments if when satisfaction of the lien is a necessary precedent to the transfer of the property to a low-income person or very-low-income an eligible person, as those terms are defined in s. 420.9071(19) and (28), for the purpose of promoting home ownership. Contributions for lien removal must be received from a nonrelated third party.

c. The project must be undertaken by an "eligible sponsor," which includes:

(I) A community action program;

(II) A nonprofit community-based development organization whose mission is the provision of housing for low-income households or very-low-income households or increasing entrepreneurial and job-development opportunities for low-income persons;

(III) A neighborhood housing services corporation;

(IV) A local housing authority created under chapter 421;
(V) A community redevelopment agency created under s. 676
163.356;
(VI) A historic preservation district agency or
organization;
(VII) A regional workforce board;
(VIII) A direct-support organization as provided in s. 679
1009.983;
(IX) An enterprise zone development agency created under 680
s. 290.0056;
(X) A community-based organization incorporated under 681
chapter 617 which is recognized as educational, charitable, or
scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
and whose bylaws and articles of incorporation include
affordable housing, economic development, or community
development as the primary mission of the corporation;
(XI) Units of local government;
(XII) Units of state government; or
(XIII) Any other agency that the Department of Economic
Opportunity designates by rule.

In no event may a contributing person have a financial
interest in the eligible sponsor.

d. The project must be located in an area designated an
enterprise zone or a Front Porch Florida Community, unless the
project increases access to high-speed broadband capability for

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rural communities that have enterprise zones but is physically located outside the designated rural zone boundaries. Any project designed to construct or rehabilitate housing for low-income households or very-low-income households as those terms are defined in s. 420.9071(19) and (28) is exempt from the area requirement of this sub-subparagraph.

e.(I) If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for low-income households or very-low-income households as those terms are defined in s. 420.9071(19) and (28) are received for less than the annual tax credits available for those projects, the Department of Economic Opportunity shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for low-income households or very-low-income households as those terms are defined in s. 420.9071(19) and (28) are received for more than the annual tax credits available for those projects, the Department of Economic Opportunity shall grant the tax credits for those applications as follows:

(A) If tax credit applications submitted for approved projects of an eligible sponsor do not exceed $200,000 in total,
the credits shall be granted in full if the tax credit
applications are approved.

(B) If tax credit applications submitted for approved
projects of an eligible sponsor exceed $200,000 in total, the
amount of tax credits granted pursuant to sub-sub-sub-
subparagraph (A) shall be subtracted from the amount of
available tax credits, and the remaining credits shall be
granted to each approved tax credit application on a pro rata
basis.

(II) If, during the first 10 business days of the state
fiscal year, eligible tax credit applications for projects other
than those that provide homeownership opportunities for low-
income households or very-low-income households as those terms
are defined in s. 420.9071(19) and (28) are received for less
than the annual tax credits available for those projects, the
Department of Economic Opportunity shall grant tax credits for
those applications and shall grant remaining tax credits on a
first-come, first-served basis for any subsequent eligible
applications received before the end of the state fiscal year.
If, during the first 10 business days of the state fiscal year,
eligible tax credit applications for projects other than those
that provide homeownership opportunities for low-income
households or very-low-income households as those terms are
defined in s. 420.9071(19) and (28) are received for more than
the annual tax credits available for those projects, the
Department of Economic Opportunity shall grant the tax credits for those applications on a pro rata basis.

3. Application requirements.—

a. Any eligible sponsor seeking to participate in this program must submit a proposal to the Department of Economic Opportunity which sets forth the name of the sponsor, a description of the project, and the area in which the project is located, together with such supporting information as is prescribed by rule. The proposal must also contain a resolution from the local governmental unit in which the project is located certifying that the project is consistent with local plans and regulations.

b. Any person seeking to participate in this program must submit an application for tax credit to the Department of Economic Opportunity which sets forth the name of the sponsor, a description of the project, and the type, value, and purpose of the contribution. The sponsor shall verify, in writing, the terms of the application and indicate its receipt of the contribution, and such verification must be in writing and accompany the application for tax credit. The person must submit a separate tax credit application to the Department of Economic Opportunity for each individual contribution that it makes to each individual project.

c. Any person who has received notification from the Department of Economic Opportunity that a tax credit has been
approved must apply to the department to receive the refund. Application must be made on the form prescribed for claiming refunds of sales and use taxes and be accompanied by a copy of the notification. A person may submit only one application for refund to the department within any 12-month period.

4. Administration.—
   a. The Department of Economic Opportunity may adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to administer this paragraph, including rules for the approval or disapproval of proposals by a person.
   b. The decision of the Department of Economic Opportunity must be in writing, and, if approved, the notification shall state the maximum credit allowable to the person. Upon approval, the Department of Economic Opportunity shall transmit a copy of the decision to the department of Revenue.
   c. The Department of Economic Opportunity shall periodically monitor all projects in a manner consistent with available resources to ensure that resources are used in accordance with this paragraph; however, each project must be reviewed at least once every 2 years.
   d. The Department of Economic Opportunity shall, in consultation with the statewide and regional housing and financial intermediaries, market the availability of the community contribution tax credit program to community-based organizations.
5. Expiration.—This paragraph expires June 30, 2016; however, any accrued credit carryover that is unused on that date may be used until the expiration of the 3-year carryover period for such credit.

(7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and shall pay the tax. The department may adopt rules to administer this subsection.

(r) School books and school lunches.—This exemption applies to school books used in regularly prescribed courses of study, and to school lunches served in public, parochial, or
nonprofit schools operated for and attended by pupils of grades K through 12. Yearbooks, magazines, newspapers, directories, bulletins, and similar publications distributed by such educational institutions to their students are also exempt. School books and food sold or served at community colleges and other institutions of higher learning are taxable, except that prepaid meal plans purchased from a college or other institution of higher learning by students currently enrolled at that college or other institution of higher learning are exempt. As used in this paragraph, "prepaid meal plans" means payment in advance to a college or institution of higher learning for the provision of a defined quantity of units that must expire at the end of an academic term, cannot be refunded to the student upon expiration, and which may only be exchanged for food.

(kkk) Certain machinery and equipment.—

1. Industrial machinery and equipment purchased by eligible manufacturing businesses which is used at a fixed location within this state, or a mixer drum affixed to a mixer truck which is used at any location within this state to mix, agitate, and transport freshly mixed concrete in a plastic state, for the manufacture, processing, compounding, or production of items of tangible personal property for sale shall be exempt from the tax imposed by this chapter. Parts and labor required to affix a mixer drum exempt under this paragraph to a mixer truck are also exempt. If at the time of purchase the
purchaser furnishes the seller with a signed certificate certifying the purchaser's entitlement to exemption pursuant to this paragraph, the seller is relieved of the responsibility for collecting the tax on the sale of such items, and the department shall look solely to the purchaser for recovery of the tax if it determines that the purchaser was not entitled to the exemption.

2. For purposes of this paragraph, the term:
   a. "Eligible manufacturing business" means any business whose primary business activity at the location where the industrial machinery and equipment is located is within the industries classified under NAICS codes 31, 32, and 33. As used in this subparagraph, "NAICS" means those classifications contained in the North American Industry Classification System, as published in 2007 by the Office of Management and Budget, Executive Office of the President.
   b. "Primary business activity" means an activity representing more than fifty percent of the activities conducted at the location where the industrial machinery and equipment is located.
   c. "Industrial machinery and equipment" means tangible personal property or other property that has a depreciable life of 3 years or more and that is used as an integral part in the manufacturing, processing, compounding, or production of tangible personal property for sale. A building and its structural components are not industrial machinery and equipment.
unless the building or structural component is so closely
related to the industrial machinery and equipment that it houses
or supports that the building or structural component can be
expected to be replaced when the machinery and equipment are
replaced. Heating and air conditioning systems are not
industrial machinery and equipment unless the sole justification
for their installation is to meet the requirements of the
production process, even though the system may provide
incidental comfort to employees or serve, to an insubstantial
degree, nonproduction activities. The term includes parts and
accessories for industrial machinery and equipment only to the
extent that the parts and accessories are purchased prior to the
date the machinery and equipment are placed in service.

3. This paragraph is repealed April 30, 2017.

(111) Motor vehicle child restraint.—The sale of a child
restraint system or booster seat for use in a motor vehicle is
exempt from the tax imposed by this chapter.

(mmm) Youth bicycle helmets.—The sale of a bicycle helmet
marketed for use by youth is exempt from the tax imposed by this
chapter.

Section 10. Subsection (11) of section 212.12, Florida
Statutes, is amended to read:

212.12 Dealer's credit for collecting tax; penalties for
noncompliance; powers of Department of Revenue in dealing with
delinquents; brackets applicable to taxable transactions;
records required.—

(11) The department shall make available in an electronic format or otherwise the tax amounts and brackets applicable to all taxable transactions that occur in counties that have a surtax at a rate other than 1 percent which transactions would otherwise have been transactions taxable at the rate of 6 percent. Likewise, the department shall make available in an electronic format or otherwise the tax amounts and brackets applicable to transactions taxable at 4.35 7 percent pursuant to s. 212.05(1)(e)1.c. s. 212.05(1)(e) and on transactions which would otherwise have been so taxable in counties which have adopted a discretionary sales surtax.

Section 11. Effective September 1, 2014, paragraphs (c) and (d) of subsection (6) of section 212.20, Florida Statutes, are amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter, and s. 202.18(1)(b) and (2)(b), and s. 203.01(1)(a)3. is shall be as follows:

(c)1. Proceeds from the fees imposed under ss. 212.05(1)(h)3. and 212.18(3) shall remain with the General Revenue Fund.

2. The portion of the proceeds which constitutes gross
receipts tax imposed pursuant to s. 203.01(1)(a)3. shall be deposited as provided by law and in accordance with s. 9, Art. XII of the State Constitution.

(d) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be distributed as follows:

1. In any fiscal year, the greater of $500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5.2 percent of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in monthly installments into the General Revenue Fund.

2. After the distribution under subparagraph 1., 8.88548.814 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to be transferred shall be reduced by 0.1 percent, and the department shall distribute this amount to the Public Employees Relations Commission Trust Fund less $5,000 each month, which shall be added to the amount calculated in subparagraph 3. and distributed accordingly.

3. After the distribution under subparagraphs 1. and 2., 0.0956 0.095 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and
distributed pursuant to s. 218.65.

4. After the distributions under subparagraphs 1., 2., and 3., 2.0603 2.0440 percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

5. After the distributions under subparagraphs 1., 2., and 3., 1.3517 1.3409 percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

6. Of the remaining proceeds:
   a. In each fiscal year, the sum of $29,915,500 shall be divided into as many equal parts as there are counties in the
state, and one part shall be distributed to each county. The
distribution among the several counties must begin each fiscal
year on or before January 5th and continue monthly for a total
of 4 months. If a local or special law required that any moneys
accruing to a county in fiscal year 1999-2000 under the then-
existing provisions of s. 550.135 be paid directly to the
district school board, special district, or a municipal
government, such payment must continue until the local or
special law is amended or repealed. The state covenants with
holders of bonds or other instruments of indebtedness issued by
local governments, special districts, or district school boards
before July 1, 2000, that it is not the intent of this
subparagraph to adversely affect the rights of those holders or
relieve local governments, special districts, or district school
boards of the duty to meet their obligations as a result of
previous pledges or assignments or trusts entered into which
obligated funds received from the distribution to county
governments under then-existing s. 550.135. This distribution
specifically is in lieu of funds distributed under s. 550.135
before July 1, 2000.

b. The department shall distribute $166,667 monthly
pursuant to s. 288.1162 to each applicant certified as a
facility for a new or retained professional sports franchise
pursuant to s. 288.1162. Up to $41,667 shall be distributed
monthly by the department to each certified applicant as defined

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in s. 288.11621 for a facility for a spring training franchise. However, not more than $416,670 may be distributed monthly in the aggregate to all certified applicants for facilities for spring training franchises. Distributions begin 60 days after such certification and continue for not more than 30 years, except as otherwise provided in s. 288.11621. A certified applicant identified in this sub-subparagraph may not receive more in distributions than expended by the applicant for the public purposes provided for in s. 288.1162(5) or s. 288.11621(3).

c. Beginning 30 days after notice by the Department of Economic Opportunity to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, $166,667 shall be distributed monthly, for up to 300 months, to the applicant.

d. Beginning 30 days after notice by the Department of Economic Opportunity to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, $83,333 shall be distributed monthly, for up to 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of $999,996 shall be made after certification and before July 1, 2000.
e. The department shall distribute up to $55,555 monthly to each certified applicant as defined in s. 288.11631 for a facility used by a single spring training franchise, or up to $111,110 monthly to each certified applicant as defined in s. 288.11631 for a facility used by more than one spring training franchise. Monthly distributions begin 60 days after such certification or July 1, 2016, whichever is later, and continue for not more than 30 years, except as otherwise provided in s. 288.11631. A certified applicant identified in this sub-subparagraph may not receive more in distributions than expended by the applicant for the public purposes provided in s. 288.11631(3).

7. All other proceeds must remain in the General Revenue Fund.

Section 12. The Department of Revenue may, and all conditions are deemed met to, adopt emergency rules pursuant to ss. 120.536(1) and 120.54, Florida Statutes, for the purpose of implementing the amendments to ss. 203.01, 212.05, 212.12, and 212.20, Florida Statutes, relating to changes to the taxation of electrical power or energy, made by this act. This section expires July 1, 2017.

Section 13. Effective July 1, 2014, section 212.17, Florida Statutes, is reordered and amended to read:

212.17 Tax credits or refunds for returned goods, rentals, or admissions; goods acquired for dealer's own use and
(1)(a) If In the event purchases are returned to a dealer by the purchaser or consumer after the tax imposed by this chapter has been collected from or charged to the account of the consumer or user, the dealer shall be entitled to reimbursement of the amount of tax collected or charged by the dealer, in the manner prescribed by the department.

(b) A registered dealer that purchases property for the dealer's own use, pays tax on acquisition, and sells the property subsequent to acquisition without ever having used the property is entitled to reimbursement, in the manner prescribed by the department, of the amount of tax paid on the property's acquisition.

(c) If the tax has not been remitted by a dealer to the department, the dealer may deduct the same in submitting his or her return upon receipt of a signed statement by of the dealer as to the gross amount of such refunds during the period covered by the said signed statement, which period shall not be longer than 90 days. The department shall issue to the dealer an official credit memorandum equal to the net amount remitted by the dealer for such tax collected or paid. Such memorandum shall be accepted by the department at full face value from the dealer to whom it is issued upon in the remittance of for subsequent taxes accrued under the provisions of this chapter. If a dealer has retired from business and has filed a final return, a refund...
of tax may be made if it can be established to the satisfaction
of the department that the tax was not due.

(2) A dealer who has paid the tax imposed by this chapter
on tangible personal property sold under a retained title,
conditional sale, or similar contract, or under a contract in
which the dealer retains a security interest in the
property pursuant to chapter 679, may take credit or obtain a
refund for the tax paid by the dealer on the unpaid balance due
him or her when he or she repossesses the property, (with or
without judicial process,) the property within 12 months after
following the month in which the property was repossessed. If
such repossessed property is resold, the sale is subject in
all respects to the tax imposed by this chapter.

(3) Except as provided in subsection (4), a dealer who has
paid the tax imposed by this chapter on tangible personal
property or services may take a credit or obtain a refund for
any tax paid by the dealer on the unpaid balance due on
worthless accounts within 12 months after following the month in
which the bad debt has been charged off for federal income tax
purposes. If any accounts so charged off for which a credit or
refund has been obtained are subsequently, thereafter in whole
or in part, paid to the dealer, the amount so paid shall be
included in the first return filed after such collection and the
tax paid accordingly.

(4) With respect to the payment of taxes on purchases made
through a private-label credit card program:

(a) If consumer accounts or receivables are found to be worthless or uncollectible, the dealer may claim a credit for, or obtain a refund of, the tax remitted by the dealer on the unpaid balance due if:

1. The accounts or receivables have been charged off as bad debt on the lender's books and records on or after January 1, 2014;

2. A credit was not previously claimed and a refund was not previously allowed on any portion of the accounts or receivables; and

3. The credit or refund is claimed within 12 months after the month in which the bad debt has been charged off by the lender for federal income tax purposes.

(b) If the dealer or the lender subsequently collects, in whole or in part, the accounts or receivables for which a credit or refund has been granted under paragraph (a), the dealer shall include the taxable percentage of the amount collected in the first return filed after the collection and pay the tax on the portion of that amount for which a credit or refund was granted.

(c) The credit or refund allowed includes all credit sale transaction amounts that are outstanding in the specific private-label credit card account or receivable at the time the account or receivable is charged off, regardless of the date on which the credit sale transaction actually occurred.
(d) A dealer must use one of the following methods to determine the amount of the credit or refund:

1. An apportionment method to substantiate the amount of tax imposed under this chapter which is included in the bad debt to which the credit or refund applies. The method must use the dealer's Florida and non-Florida sales, the dealer's taxable and nontaxable sales, and the amount of tax the dealer remitted to this state; or

2. A specified percentage of the accounts or receivables giving rise to the credit or refund, which is derived from a sampling of the dealer's or lender's records in accordance with a methodology agreed upon by the department and the dealer.

(e) For purposes of computing the credit or refund, payments on the accounts or receivables shall be allocated based on the terms and conditions of the contract between the dealer or lender and the consumer.

(f) The credit or refund for tax on bad debt may be claimed on any return filed by an entity related by a direct or indirect common ownership of 50 percent or more.

(g) The amount of the credit or refund that a dealer is eligible to recover under this subsection is limited to 64.4 percent of the tax paid to the department which is attributable to bad debt.

(h) As used in this subsection, the term:

1. "Dealer's affiliates" means an entity affiliated with
the dealer under 26 U.S.C. s. 1504 or an entity that would be an
affiliate under that section if the entity were a corporation.

2. "Lender" means a person who owns or has owned a
private-label credit card account or an interest in a private-
label credit card receivable that:

   a. The person purchased directly from a dealer who
remitted the tax imposed under this chapter or from the dealer's
affiliates, or that was transferred from a third party;

   b. The person originated pursuant to that person's
contract with a dealer who remitted the tax imposed under this
chapter or with the dealer's affiliates; or

   c. Is affiliated in the manner described under 26 U.S.C.
s. 1504, regardless of whether the different entities are
corporations, with a person described in sub-subparagraph a. or
sub-subparagraph b. or with an assignee or other transferee of
such person.

3. "Private-label credit card" means a charge card or
credit card that carries, refers to, or is branded with the name
or logo of a dealer and can be used for purchases from the
dealer whose name or logo appears on the card or for purchases
from the dealer's affiliates or franchises.

   (6)(4)(a) The department shall:

   (a) Design, prepare, print and furnish to all dealers,
except dealers filing through electronic data interchange, or
make available or prescribe to the dealers, all necessary forms
for filing returns and instructions to ensure a full collection from dealers and an accounting for the taxes due. The failure of any dealer to secure such forms does not relieve the dealer from the payment of the tax at the time and in the manner provided.

(b) The department shall prescribe the format and instructions necessary for filing returns in a manner that is initiated through an electronic data interchange to ensure a full collection from dealers and an accounting for the taxes due. The failure of any dealer to use such format does not relieve the dealer from the payment of the tax at the time and in the manner provided.

(7) The department and its assistants are hereby authorized and empowered to administer the oath for the purpose of enforcing and administering the provisions of this chapter.

(8) The department may has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to administer and enforce the provisions of this section chapter.

(5) If the department, where admissions, license fees, or rental payments, or payments for services are made and thereafter returned to the payors after the taxes thereon have been paid, the department shall return or credit the taxpayer for taxes so paid on the moneys returned in the same manner as is provided for returns or credits of taxes where purchases or tangible personal property are returnable to a dealer.
Section 14. Subsection (5) of section 213.0535, Florida Statutes, is amended to read:

213.0535 Registration Information Sharing and Exchange Program.—

(5) Any provision of law imposing confidentiality upon data shared under this section, including, but not limited to, any provision imposing penalties for disclosure, applies to recipients of this data and their employees. Data exchanged under this section may not be provided to any person or entity other than a person or entity administering the tax or licensing provisions of those provisions of law enumerated in paragraph (4)(a), and such data may not be used for any purpose other than for enforcing those tax or licensing provisions. This subsection does not prevent a level-two participant from publishing statistics classified so as to prevent the identification of particular accounts, reports, declarations, or returns. However, statistics may not be published if they contain data pertaining to fewer than three taxpayers or if the statistics are prepared for geographic areas below the county level and contain data pertaining to fewer than 10 taxpayers. This subsection does not authorize the publishing of statistics that could be used to calculate the gross receipts or income of any individual taxpayer. Statistics may not be published under this section if a single taxpayer has remitted more than 33 percent of the tax that is the subject of the statistics. Statistics published
under this subsection must relate only to tourist development
taxes imposed under s. 125.0104, the tourist impact tax imposed
under s. 125.0108, convention development taxes imposed under s.
212.0305, or the municipal resort tax authorized under chapter
67-930, Laws of Florida. This subsection does not prevent the
Department of Revenue from meeting the requirements of s.
125.0104(3)(h).

Section 15. Effective July 1, 2014, paragraph (c) of
subsection (1) and subsection (5) of section 220.183, Florida
Statutes, are amended to read:
220.183 Community contribution tax credit.—
(1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX
CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM
SPENDING.—
(c) The total amount of tax credit which may be granted
for all programs approved under this section, s. 212.08(5)(p),
and s. 624.5105 is $18.4 $10.5 million annually for projects
that provide homeownership opportunities for low-income or very-
low-income households as defined in s. 420.9071(19) and (28) and
$3.5 million annually for all other projects.

(5) EXPIRATION.—The provisions of this section, except
paragraph (1)(e), shall expire and are be void on June 30, 2016
2015.

Section 16. Effective July 1, 2014, paragraph (c) of
subsection (3) of section 288.9914, Florida Statutes, is amended
to read:

288.9914 Certification of qualified investments;
investment issuance reporting.—

(3) REVIEW.—

(c) The department may not approve a cumulative amount of
qualified investments that may result in the claim of more than
$216.34 $178.9 million in tax credits during the existence of
the program or more than $36.6 million in tax credits in a
single state fiscal year. However, the potential for a taxpayer
to carry forward an unused tax credit may not be considered in
calculating the annual limit.

Section 17. Effective January 1, 2015, subsection (5) of
section 624.4094, Florida Statutes, is amended to read:

624.4094 Bail bond premiums.—

(5) This section does not affect the reporting or payment
of insurance premium taxes under ss. 624.509, 624.5091, and
624.5092, and the insurance premium tax and related excise taxes
shall continue to be calculated using gross bail bond premiums.

Section 18. Effective January 1, 2015, subsections (1) and
(8) of section 624.509, Florida Statutes, are amended to read:

624.509 Premium tax; rate and computation.—

(1) In addition to the license taxes provided for in this
chapter, each insurer shall also annually, and on or before
March 1 in each year, except as to wet marine and transportation
insurance taxed under s. 624.510, pay to the Department of
Revenue a tax on insurance premiums, premiums for title
insurance, or assessments, including membership fees and policy
fees and gross deposits received from subscribers to reciprocal
or interinsurance agreements, and on annuity premiums or
considerations, received during the preceding calendar year, the
amounts thereof to be determined as set forth in this section,
to wit:

(a) An amount equal to 1.75 percent of the gross amount of
such receipts on account of life and health insurance policies
covering persons resident in this state and on account of all
other types of policies and contracts, except annuity policies
or contracts taxable under paragraph (b) and bail bond policies
or contracts taxable under paragraph (c), covering property,
subjects, or risks located, resident, or to be performed in this
state, omitting premiums on reinsurance accepted, and less
return premiums or assessments, but without deductions:

1. For reinsurance ceded to other insurers;
2. For moneys paid upon surrender of policies or
certificates for cash surrender value;
3. For discounts or refunds for direct or prompt payment
of premiums or assessments; and
4. On account of dividends of any nature or amount paid
and credited or allowed to holders of insurance policies;
certificates; or surety, indemnity, reciprocal, or
interinsurance contracts or agreements; and
(b) An amount equal to 1 percent of the gross receipts on annuity policies or contracts paid by holders thereof in this state; and-

(c) An amount equal to 1.75 percent of the direct written premiums for bail bonds, excluding any amounts retained by licensed bail bond agents or licensed managing general agents.

(8) From and after July 1, 1980, the premium tax authorized by this section may not be imposed on:

(a) Any portion of the title insurance premium retained by a title insurance agent or agency; or

(b) Receipts of annuity premiums or considerations paid by holders in this state if the tax savings derived are credited to the annuity holders. Upon request by the Department of Revenue, an insurer availing itself of this provision shall submit to the department evidence which establishes that the tax savings derived have been credited to annuity holders. As used in this paragraph subsection, the term "holders" includes employers contributing to an employee's pension, annuity, or profit-sharing plan.

Section 19. Effective July 1, 2014, paragraph (c) of subsection (1) and subsection (6) of section 624.5105, Florida Statutes, are amended to read:

624.5105 Community contribution tax credit; authorization; limitations; eligibility and application requirements; administration; definitions; expiration.—
(1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.—

(c) The total amount of tax credit which may be granted for all programs approved under this section and ss. 212.08(5)(p) and 220.183 is $10.5 million annually for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) and $3.5 million annually for all other projects.

(6) EXPIRATION.—The provisions of this section, except paragraph (1)(e), shall expire and are void on June 30, 2016.

Section 20. Effective January 1, 2015, subsection (2) of section 627.7711, Florida Statutes, is amended to read

627.7711 Definitions.—As used in this part, the term:

(2) "Premium" means the charge, as specified by rule of the commission, which is made by a title insurer for a title insurance policy, including the charge for performance of primary title services by a title insurer or title insurance agent or agency, and incurring the risks incident to such policy, under the several classifications of title insurance contracts and forms, and upon which charge a premium tax is paid under s. 624.509. As used in this part or in any other law, with respect to title insurance, the word "premium" does not include a commission.

Section 21. Sales tax holiday for Energy Star and WaterSense products.—
(1) The tax levied under chapter 212, Florida Statutes, may not be collected during the period from 12:01 a.m. on September 19, 2014, through 11:59 p.m. on September 21, 2014, on the first $1,500 of the sales price of a new Energy Star product or WaterSense product. However, a person is limited to one purchase of each specific type of Energy Star or WaterSense product listed in paragraph (2)(a) or paragraph (2)(b) with a sales price of $500 or more. A second or subsequent purchase of a specific type of Energy Star product or WaterSense product with a sales price of $500 or more is subject to tax.

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

(a) "Energy Star product" means a room air conditioner, air purifier, ceiling fan, clothes washer, clothes dryer, dehumidifier, dishwasher, freezer, refrigerator, water heater, swimming pool pump, or package of light bulbs that is designated by the United States Environmental Protection Agency and the United States Department of Energy as meeting or exceeding each agency's requirements under the Energy Star program and that is affixed with an Energy Star label.

(b) "WaterSense product" means a bathroom sink faucet, faucet accessory, high-efficiency toilet or urinal, showerhead, or weather or sensor-based irrigation controller that is recognized as water efficient by the WaterSense program sponsored by the United States Environmental Protection Agency and that is affixed with a WaterSense label.
(3) The Department of Revenue may, and all conditions are deemed met to, adopt emergency rules pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to administer this section.

Section 22. (1) The tax levied under chapter 212, Florida Statutes, may not be collected during the period from 12:01 a.m. on August 1, 2014, through 11:59 p.m. on August 3, 2014, on the sale of:

(a) Clothing, wallets, or bags, including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags, having a sales price of $100 or less per item. As used in this paragraph, the term "clothing" means:

1. Any article of wearing apparel intended to be worn on or about the human body, excluding watches, watchbands, jewelry, umbrellas, and handkerchiefs; and

2. All footwear, excluding skis, swim fins, roller blades, and skates.

(b) School supplies having a sales price of $15 or less per item. As used in this paragraph, the term "school supplies" means pens, pencils, erasers, crayons, notebooks, notebook filler paper, legal pads, binders, lunch boxes, construction paper, markers, folders, poster board, composition books, poster paper, scissors, cellophane tape, glue or paste, rulers, computer disks, protractors, compasses, and calculators.

(2) The tax levied under chapter 212, Florida Statutes,
may not be collected during the period from 12:01 a.m. on August 1, 2014, through 11:59 p.m. on August 3, 2014, on the first $750 of the sales price of personal computers or personal computer-related accessories purchased for noncommercial home or personal use. As used in this subsection, the term:

(a) "Personal computers" includes electronic book readers, laptops, desktops, handhelds, tablets, and tower computers. The term does not include cellular telephones, video game consoles, digital media receivers, or devices that are not primarily designed to process data.

(b) "Personal computer-related accessories" includes keyboards, mice, personal digital assistants, monitors, other peripheral devices, modems, routers, and nonrecreational software, regardless of whether the accessories are used in association with a personal computer base unit. The term does not include furniture or systems, devices, software, or peripherals designed or intended primarily for recreational use.

(c) "Monitors" does not include devices that have a television tuner.

(3) The tax exemptions provided in this section do not apply to sales within a theme park or entertainment complex as defined in s. 509.013(9), Florida Statutes, within a public lodging establishment as defined in s. 509.013(4), Florida Statutes, or within an airport as defined in s. 330.27(2), Florida Statutes.
(4) The Department of Revenue may, and all conditions are deemed met to, adopt emergency rules pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to administer this section.

Section 23. (1) The tax levied under chapter 212, Florida Statutes, may not be collected during the period from 12:01 a.m. on May 31, 2014, through 11:59 p.m. on June 8, 2014, on the sale of:

(a) A portable self-powered light source selling for $20 or less.

(b) A portable self-powered radio, two-way radio, or weatherband radio selling for $50 or less.

(c) A tarpaulin or other flexible waterproof sheeting selling for $50 or less.

(d) A self-contained first-aid kit selling for $30 or less.

(e) A ground anchor system or tie-down kit selling for $50 or less.

(f) A gas or diesel fuel tank selling for $25 or less.

(g) A package of AA-cell, C-cell, D-cell, 6-volt, or 9-volt batteries, excluding automobile and boat batteries, selling for $30 or less.

(h) A nonelectric food storage cooler selling for $30 or less.

(i) A portable generator used to provide light or communications or preserve food in the event of a power outage.
selling for $750 or less.

(j) Reusable ice selling for $10 or less.

(2) The Department of Revenue may, and all conditions are deemed met to, adopt emergency rules pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to administer this section.

(3) The tax exemptions provided in this section do not apply to sales within a theme park or entertainment complex as defined in s. 509.013(9), Florida Statutes, within a public lodging establishment as defined in s. 509.013(4), Florida Statutes, or within an airport as defined in s. 330.27(2), Florida Statutes.

Section 24. For fiscal year 2014-2015, the sum of $43,941 of nonrecurring funds is appropriated from the General Revenue Fund to the Department of Revenue for the purpose of administering the sales tax holiday for Energy Star and WaterSense products.

Section 25. For the 2013-2014 fiscal year, the sum of $223,048 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Revenue for the purpose of administering the provisions of this act relating to the tax exemption for specified school supplies. Funds from the appropriation that remain unexpended or unencumbered as of June 30, 2014, shall revert and be reappropriated for the same purpose in the 2014-2015 fiscal year.

Section 26. For the 2013-2014 fiscal year, the sum of
$280,912 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Revenue for purposes of administering the tax exemptions for the purchase of tangible personal property relating to hurricane preparedness specified under this act.

Section 27. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.
Prepaid College Meal Plan Exemption
Effective July 1, 2014

Beginning July 1, 2014, the sale of certain prepaid meal plans at colleges and institutions of higher learning in the state of Florida is exempt from sales tax. To qualify for the exemption, the meal plan must meet each of the following requirements:

- The meal plan must be prepaid. In order to be prepaid, a payment, whether in full or in installments, must be initiated in advance of use.
- The meal plan must be purchased from the college or other institution of higher learning. Purchases made on student accounts or payments made directly to the school will qualify.
- The meal plan must be purchased by a student currently enrolled at the school. Any student taking any number of credit hours will qualify.
- The meal plan must be for a defined quantity of units such as a number of meals per week, monthly, year, or term, a set monetary amount, or an unlimited number of meals for a defined number of days.
- The balance of unused units must expire at the end of the academic term. The expiration can be at the end of any academic term, not just the academic term in which they are purchased. Units can rollover from term to term, provided that they will eventually expire at the end of an academic term.
- The units cannot be refunded to the student at expiration. Refunds due to withdrawal from school, changing from a school meal plan to a meal plan provided by a sorority or fraternity, or other changes in circumstance do not disqualify a meal plan from the exemption. Refunds at graduation are considered the refund of units at expiration, and would disqualify a meal plan from the exemption.
- The units can only be exchanged for food.

"Hybrid" Meal Plans / Flex Dollars

Many college meal plans now have hybrid options that provide for a prepaid meal plan as described above and in addition provide a set amount of "flex" dollars that can be used at designated establishments for certain types of purchases. For sales tax purposes, cash equivalents are items purchased that entitle a person to redeem them in the future to receive tangible personal property or services. A common example is gift cards. Most gift cards are not taxable upon purchase. Instead, the taxability of the transaction is determined when the gift card is used. For hybrid meal plans, the portion of the plan that meets the requirements of a prepaid meal plan as described above can be exempt, if the "flex" dollars are cash equivalents where the taxability is not determined until use. If the "flex" dollars meet the requirements of a prepaid meal plan as described above, the entire meal plan can be exempt.

References: Chapter 212.08(7)(t), Florida Statutes

For More Information

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