



Governance Committee Meeting

Aug 12, 2020 8:00 AM - 8:30 AM EDT

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**Board of Trustees
Governance Committee
Virtual Meeting
August 12, 2020, 8:00-8:30 a.m.**

Livestream:

<https://ucf.webex.com/ucf/onstage/g.php?MTID=e37caf896f11f0a652de3d842eca9db4b>

Conference call number: 1-408-418-93882, access code: 132 703 2351#

AGENDA

- | | |
|---|--|
| 1. Call to order | Alex Martins, <i>Vice Chair, Governance Committee</i> |
| 2. Roll Call | Tanya Perry, <i>Coordinator, Legal Affairs</i> |
| 3. Minutes of the June 17, 2020 meeting | Vice Chair Martins |
| 4. New Business | Vice Chair Martins |
| GOVC-1 | Amendments to University Regulation UCF-2.032 Textbook Adoption
<i>Youndy Cook, Senior Deputy General Counsel</i> |
| INFO-1 | Update on Title IX Regulations
<i>Youndy Cook</i> |
| INFO-2 | Delegation of Authority to the President
<i>Scott Cole, Vice President and General Counsel</i> |
| 5. Adjournment | Vice Chair Martins |



UNIVERSITY OF CENTRAL FLORIDA

Board of Trustees
Governance Committee Meeting
June 17, 2020
Virtual Meeting

MINUTES

CALL TO ORDER

Trustee William Yeargin, chair of the Governance Committee, called the meeting to order at 10:30 a.m. Committee members Alex Martins, Ken Bradley, Sabrina LaRosa and John Sprouls attended via video conference. Committee member Joseph Harrington attended in person. Chair Seay also attended via video conference and Trustee David Walsh attended in person.

MINUTES

The minutes from the April 13, 2020 Governance Committee meeting were approved as submitted.

NEW BUSINESS

Board Policy for University Operating, Carryforward, and Capital Outlay Budgets (GOVC-1)

Derek Horton, Assistant Vice President for Budget, Planning, and Analysis, presented a new board policy on University Operating, Carryforward, and Capital Outlay Budgets. This policy satisfies several of the recommendations from the Post Investigation Action Plan which recommended adoption of a Board of Trustees policy to ensure adherence to budget and planning laws and regulations. Trustee Harrington made a motion to approve the amendments and Trustee Sprouls seconded. The motion was approved unanimously.

Proposed University Regulations UCF-2.037 Special Provisions for Veterans and Active Duty Military Students and UCF-2.040 Development, Approval, Termination, and Suspension of Degree Programs (GOVC-2)

Youndy Cook, Deputy General Counsel, asked the committee to approve proposed regulations UCF-2.037 Special Provisions for Veterans and Active Duty Military Students and UCF 2.040 Development, Approval, Termination, and Suspension of Degree Programs. Both of these regulations are recommended for adoption to comply with Board of Governors regulations. UCF-2.037 is proposed to outline the process by which students with military training, experience, or coursework may earn college credit. Language regarding withdrawals is also included to ensure that students do not incur academic or financial penalties if specified conditions are met. UCF-2.040 is proposed to outline the policies and

procedures governing new degree development, as well as termination and suspension of degree programs. No public comments were received. Trustee Bradley made a motion to approve the proposed regulations and Trustee Harrington seconded. The motion was approved unanimously.

Amendments to University Regulation UCF-4.014 Investments (GOVC-3)

Cook asked the committee to approve amendments to regulation UCF-4.014 Investments. UCF-4.014 is amended to update employee titles and department names. No public comments were received. Trustee Martins made a motion to approve the amendments and Trustee Harrington seconded. The motion was approved unanimously.

Amendments to University Regulations UCF-6.007 Parking/Traffic Enforcement and UCF-6.008 Vehicle Registration Fees; Parking Violation Fines (GOVC-4)

Cook asked the committee to approve amendments to UCF-6.007 Parking/Traffic Enforcement and UCF-6.008 Vehicle Registration Fees; Parking Violation Fines. UCF-6.007 has been amended to add new language regarding virtual parking permits and language referring to parking meters has been replaced with language referring to short-term, timed parking. UCF-6.008 has been amended to rename metered parking as short-term, timed parking. No public comments were received. Trustee Walsh indicated that he doesn't agree with using salary as a basis for permit levels and Trustee Bradley agreed. Chair Yeargin indicated that the committee will look into this further. Trustee Harrington made a motion to approve the amendments and Trustee LaRosa seconded. The motion was approved unanimously.

Amendments to University Regulations UCF-5.006 Student Rights and Responsibilities, UCF-5.007 Office of Student Conduct; Scope; Student Conduct Records, UCF-5.008 Rules of Conduct, UCF-5.009 Student Conduct Review Process; Sanctions, UCF-5.010 Student Conduct Appeals, UCF-5.011 Scope; Authority; Principles of Group Responsibility; Violations of Law and Rule of Conduct Violations; Registered Student Organizational Conduct Records, UCF-5.012 Organizational Rules of Conduct, UCF-5.013 Organizational Conduct Review Process, and UCF-5.015 Student Academic Behavior Standards (GOVC-5)

Cook asked the committee to approve amendments to multiple regulations, all related to student conduct and student organization conduct. Each change in each regulation has been tracked and included with the committee materials. Cook briefly summarized the proposed amendments. Two public comments were received in response to UCF-5.012. The comments were reviewed, and it was determined that no changes were warranted in response. Trustee Martins indicated that a proposed sentence in paragraph (7) of UCF-5.008 was confusing and Cook agreed. She suggested modifying the sentence in that paragraph to read "A student *can be found to have committed* an act of hazing whether the student is a prospective, current, or former member of the organization or group." for clarity. Trustee Martins made a motion to approve the amended regulations, including amending the sentence in paragraph (7) of UCF-5.008 and Trustee Sprouls seconded. The motion was approved unanimously.

UCF Board of Trustees Conflict of Interest Statement and Disclosure Form (GOVC-6)

Janet Owen, Vice President for Government Relations, presented the proposed conflict of interest statement and disclosure form. One of the recommendations of the AGB May 15, 2019 report was that the Governance Committee should assume responsibility for conflict of interest oversight. The statement was revised to include compliance with current Florida law and encompasses recommendations from the

Florida Commission on Ethics. It has been expanded to include definitions and guidance for specific situations. Trustee Bradley made a motion to approve and Trustee Harrington seconded. The motion was approved unanimously.

Statement on Board Self-Assessment (GOVC-7)

Karen Monteleone, Assistant Vice President for Board Relations, presented the Board self-assessment process. This process is an outcome of the AGB report and the Post Investigation Action Plan. The actual survey would be presented to the committee in the Fall for feedback, and then presented for consideration by the Board. The survey would be administered in the Spring and results of the survey will be provided to the board and included at the May board retreat. The recommendation is for a full board self-assessment to occur on a biannual basis. This is developed to align with the term of the chair. Trustee Martins made a motion to approve and Trustee LaRosa seconded. Trustee Bradley questioned whether committees would be involved in the process and Monteleone indicated that chairs will be involved, developing annual work plans and evaluating committee progress. A discussion was held whether the process should be completed annually or biannually and determined that biannual was sufficient. A discussion was also held regarding whether a third party should be retained to complete the board assessment. Monteleone indicated that the committee can proceed how they wish and it would probably be beneficial to bring in an outside consultant every five years. This statement does not preclude the use of an outside consultant. She also reminded the committee that the purpose is to assess the full board's performance not individual performance. Trustee Bradley indicated that self-assessment of individual board members would be beneficial as well. The motion approved unanimously.

Governance Committee charter amendments (GOVC-8)

Scott Cole, Vice President and General Counsel, presented amendments to the Governance Committee charter. The new language reflects Governance Committee oversight of the board assessment process and the conflict of interest statement. Trustee Harrington made a motion to approve the amendments and Trustee Bradley seconded. The motion approved unanimously.

Board Orientation and Development Plan (INFO-1)

Monteleone presented the board orientation and development plan to the committee. This is an overview of the orientation and onboarding process for new trustees and continuing education for existing trustees. There are four phases included: the governance phase, the system phase, the institution phase, and the continuing education phase. Trustees Harrington and LaRosa have recently been through the orientation process and have indicated they were satisfied with the results.

Post Investigation Action Plan for Items with Governance Committee Oversight (GOVC-9)

Monteleone reviewed the final outstanding items on the Post Investigation Action Plan that have Governance Committee oversight. Item 20 was discussed at a previous meeting and related to professional development opportunities for board staff and how staff interact with the board. Item 25 encompasses implementing a process for the board self-assessment and conflict of interest oversight. Item 47 relates to the board orientation plan. Closure of these items is recommended and then all obligations for Governance committee under the Post Investigation Action Plan will have been fulfilled. Trustee Martins made a motion to approve and Trustee Sprouls seconded. The motion passed unanimously.

Other Business

Trustee Walsh commented on GOVC1 with concerns that items regarding annual operating budget and capital improvement plan are subdelegated to board retreats. He also noted that there is language delegating to the Board of Governors approval of the annual budget and strategic plan of the university. The board should not be delegating this function to the BOG and the language should be revisited. Also, there should be further discussion on defining the roles of the Finance and Facilities Committee versus the full board particularly when it comes to major capital outlays and the operating budget. These comments will be taken into consideration.

ADJOURNMENT

The meeting adjourned at 11:26 a.m.

Reviewed by:

William Yeargin
Chair, Nominating and Governance
Committee

Date

Respectfully submitted:

Janet Owen
Associate Corporate Secretary

Date

UCF BOARD OF TRUSTEES
Governance Committee
August 12, 2020

Title: Proposed University Regulation UCF-2.032 Textbook Affordability

Background:

Florida Board of Governors Regulation 1.001 provides that “Each Board of Trustees is authorized to promulgate university regulations in accordance with the Regulation Development Procedure adopted by the Board of Governors.”

Issues to be Considered:

Regulation UCF-2.032 Textbook Affordability is proposed to conform to statutory changes adopted this year by the Board of Governors. Specifically, selections of textbooks and other instructional materials is a faculty responsibility but should be done using a cost-benefit analysis which is detailed in paragraph (2). Additionally, the adoption deadline has been changed from 50 days to 60 days prior to the first day of class for each term. New language has also been added to clarify that the university will consult with dual enrollment partner schools to help reduce the costs of textbooks and instructional materials for dual enrollment classes.

This regulation was posted online July 20, 2020, for public comment. Two comments were received, and some additional changes were made as a result. The regulation was reposted on July 22, 2020, and no additional comments have been received as of the date of submission of these materials.

Alternatives to Decision:

Do not approve University Regulation UCF-2.032 and propose alternative amendments.

Fiscal Impact and Source of Funding:

N/A

Recommended Action:

Approve proposed University Regulation UCF-2.032.

Authority for Board of Trustees Action:

Board of Governors regulation 1.001

Contract Reviewed/Approved by General Counsel:

N/A

Committee Chair or Chair of the Board approval:

Chair Bill Yeargin has approved adding this item to the agenda.

Submitted by:

Youndy Cook, Deputy General Counsel

Supporting Documentation:

Attachment A: Proposed Regulation UCF-2.032 (redline)

Facilitators/Presenters:

Youndy Cook, Deputy General Counsel

UCF 2.032 Textbook Adoption

~~(1)~~ Pursuant to Florida Board of Governors Regulation 8.003, the University of Central Florida establishes the following procedures to minimize the cost of textbooks and instructional materials to students, while maintaining the quality of instruction and academic freedom, both of which are core values of the institution.

~~(2)~~ The term “instructional materials” means educational materials for use within a course which may be available in printed or digital format.

(2) Selection of course materials appropriate to effectively achieve student learning outcomes is a faculty responsibility and, as much as possible, those choices should enable students to obtain the highest-quality products at the lowest available price. Institutional initiatives for accomplishing this goal may include:

- (a) Purchasing digital textbooks in bulk;
- (b) Expanding the use of open-access textbooks and instructional materials;
- (c) Providing rental options for textbooks and instructional materials;
- (d) Increasing the availability and use of affordable digital textbooks and learning objects;
- (e) Developing mechanisms to assist in buying, renting, selling, and sharing textbooks and instructional materials;
- (f) Determining the feasibility of extending the length of time that textbooks and instructional materials remain in use recognizing the variance in disciplinary demands and pace of currency changes;
- (g) Evaluating the cost savings for textbooks and instructional materials, which may be realized by opt-in provisions for the purchase of materials; and
- (h) The use of innovative pricing techniques and payment options for textbooks and instructional materials, which must include an opt-in provision for students and may be approved only if there is documented evidence that the options reduce the cost of the textbooks and instructional materials.

(3) UCF's internal tTextbook and instructional material adoption deadlines ~~for each term~~ shall be no later than ~~50-60~~ days prior to the first day of class for each term.

(4) Textbook order forms will incorporate a declaration by the course instructor or academic department offering the course of:

- (a) the intent to use all required items ordered, including each individual item sold as part of a bundled package; and,
- (b) the extent to which a new edition differs significantly and substantively from earlier versions, if such are available in sufficient quantities; ~~and~~ whether the significance warrants the adoption of a new edition; and whether or not an appropriate open-access textbook or instructional material option is available.

(5) Determination of student ability to pay for textbooks or instructional materials will be made through standard student financial aid eligibility assessment.

(6) Efforts to make required and recommended textbooks and instructional materials for each course offering available to students who cannot afford the cost of the textbooks will include the consideration of the extent to which an open-access textbook or instructional material may be available for students' use.

~~(76)~~ Students with confirmed financial aid eligibility may opt into an advance purchase program to buy textbooks or instructional materials up to the approved purchase limit at the designated campus bookstore, or may apply for a short-term advance for textbook or instructional material purchases.

~~(87)~~ Textbook or instructional material orders placed by the adoption deadline will be posted on the bookstore website at least 45 days prior to the first day of class for each term to meet the state deadline.

~~(98)~~ The posted textbook or instructional material list shall include the following information for each required and recommended textbook or instructional material:

- (a) the International Standard Book Number (ISBN); or
- (b) other identifying information which shall include, at a minimum:
 - 1. title;
 - 2. all authors listed;

3. publishers;
4. edition number;
5. copyright date;
6. published date; and,
7. other relevant information necessary to identify the specific textbook or instructional materials required and recommended for each course.

(109) A request for an exception to the textbook adoption deadlines shall be submitted in writing to the Office of Academic Affairs ~~prior to the adoption deadline~~ and shall provide a reasonable justification for the exception. For courses and sections added to the course listing after the ~~50-45~~ day state textbook or instructional material adoption deadline, no exemption is required.

(11) The University shall consult with dual enrollment partner schools to identify best practices that may reduce the cost of dual enrollment course textbooks and instructional materials.

(~~124~~) Requiring the use of a textbook or other instructional material written by the instructor of the course, by a relative of the instructor, or by a team of authors which includes the instructor where the author/instructor anticipates receiving royalties from books or materials purchased by students enrolled in her/his course is considered a conflict of interest. The author/instructor must report the use of his/her educational materials under these circumstances with the action taken to mitigate the conflict of interest created in the online Potential Outside Activity, Employment, and Conflict of Interest and Commitment Disclosure (AA-21). Mitigation actions include offering the materials to UCF students at reduced or no cost, or donating the royalties to a non-profit organization.

(~~134~~) An employee of a state university may not demand or receive any payment, loan, subscription, advance, deposit of money, service, or anything of value, present or promised, in exchange for requiring students to purchase a specific textbook or instructional material for coursework or instruction.

However, an employee may receive (subject to the requirements of the Florida Code of Ethics for Public Officers and Employees and the outside activity and conflict of interest requirements set forth in university regulations and collective bargaining agreements):

- (a) Sample copies, instructor copies, or instructional materials; these materials may not be sold for any type of compensation, especially if they are specifically marked as “free samples” or “not for resale;”
- (b) Royalties or other compensation from sales of textbooks or instructional materials that include the author/instructor’s own writing or work, subject to the limitations in paragraph (12) above;
- (c) Honoraria for academic peer review of course materials;
- (d) Fees associated with activities such as reviewing, critiquing, or preparing support materials for textbooks or instructional materials; and,
- (e) Training in the use of course materials and learning technologies.

Authority: BOG Regulations 1.001 and 8.003. History: New 8-24-09. Amended 8-27-15, 7-5-16, _____-20.

UCF BOARD OF TRUSTEES
Governance Committee
August 12, 2020

Title: Update on Title IX Regulations

Background:

Youndy Cook will provide an update on the university's plan to comply with new Title IX sexual harassment regulations.

By August 14, 2020, the University must be in compliance with new regulations adopted by the U.S. Department of Education under Title IX, the federal law which prohibits discrimination on the basis of sex in programs and activities receiving federal funding. The new regulations articulate a very specific definition of sexual harassment under the law and require schools to adopt and apply a detailed procedure to address claims of sexual harassment as so defined. At UCF, this will require the creation of a Title IX procedure and changes to existing university regulations. As directed by the Board of Governors, given the short timeframe to implement these substantial changes, the university will announce its regulation updates initially through the emergency regulation process described in the Board of Governors Regulation Development Procedure for State University Boards of Trustees. No emergency regulation can be effective for a period longer than 90 days; therefore, the university will utilize the standard regulation development procedure to bring final regulations to the Board for approval.

Issues to be Considered:

There are no issues for the committee to consider.

Alternatives to Decision:

N/A

Fiscal Impact and Source of Funding:

There is no fiscal impact to this information item. However, there will be some cost to the procedures required by the new Title IX regulations.

Recommended Action:

For information only.

Authority for Board of Trustees Action:

N/A

Contract Reviewed/Approved by General Counsel:

N/A

Committee Chair or Chair of the Board approval:

Chair Bill Yeargin has approved adding this item to the agenda.

Submitted by:

Youndy Cook, Senior Deputy General Counsel

Supporting Documentation:

N/A

Facilitators/Presenters:

Youndy Cook, Senior Deputy General Counsel

UCF BOARD OF TRUSTEES
Governance Committee
August 12, 2020

Title: Delegation of Authority to the President

Background:

Board Policy BOT-4 Delegation of Authority to the President was last revised on May 16, 2019. The Governance Committee invites the Board of Trustees to review this policy and suggest revisions to be considered at the next committee meeting scheduled for October 14, 2020.

Issues to be Considered:

Review the Delegation of Authority to the President and suggest possible changes to the Board Office by September 16, 2020.

Alternatives to Decision:

N/A

Fiscal Impact and Source of Funding:

N/A

Recommended Action:

For information only.

Authority for Board of Trustees Action:

N/A

Contract Reviewed/Approved by General Counsel:

N/A

Committee Chair or Chair of the Board approval:

Chair Bill Yeargin has approved adding this item to the agenda.

Submitted by:

Scott Cole, Vice President and General Counsel

Supporting Documentation:

None

Facilitators/Presenters:

Scott Cole, Vice President and General Counsel



**UNIVERSITY OF CENTRAL FLORIDA
BOARD OF TRUSTEES
POLICY**

Delegation of Authority to the President

POLICY STATEMENT

Article IX, Section 7 of the Florida Constitution provides that the Board of Governors shall establish the powers and duties of the university boards of trustees. Board of Governors Regulation 1.001, copy attached as Exhibit A, delegates those powers and duties to the boards of trustees.

The Board of Trustees desires to further delegate certain of its powers and duties to the President as more particularly described below. Any power or duty delegated by the Board to the President may be rescinded at any time by majority vote of the Board. Except as otherwise provided herein, the President may further delegate his or her powers and duties to employees of the University in accordance with the University's Policy on Delegation of Authority.

DEFINITIONS

Affiliated Entities: Direct support organizations, practice plan corporations, or self-insurance trust funds of the University of Central Florida.

Board: UCF Board of Trustees

BOG: Florida Board of Governors

President: President of UCF

UCF or University: University of Central Florida

PROCEDURES:

Except as provided herein, the Board delegates to the President all usual and customary powers of a President to administer the day to day operations of the University. This includes the powers and duties described in Board of Governors Regulation 1.001 and those reasonably implied therefrom, which are not required to be directly performed by the Board.

The President's authority also includes the following:

1. Propose regulations for approval by the Board.
2. Govern Traffic on the grounds of the University.
3. Close and/or suspend operations of the campus as deemed necessary.
4. Set the agenda for Board meetings in consultation with the Chair of the Board.
5. Establish the University calendar.
6. Administer the personnel program subject to Board and BOG policies and regulations.
7. Administer University travel in accordance with Section 112.061, Florida Statutes.
8. Administer the collective bargaining process.
9. Administer the financial activities of the university including proposing university budgets and managing university revenues and expenditures.
10. Administer the purchasing and construction programs and act as custodian for university property.
11. Execute contracts on behalf of the Board.
12. Oversee the research activities of the University, including managing the intellectual property of the university.
13. Oversee the philanthropic activities of the University.
14. Perform such other duties related to the above not specifically retained by the Board.

Items requiring specific approval of the Board:

1. All duties required to be undertaken directly by the Board pursuant to BOG Regulation 1.001.
2. Annual financial commitment, obligation, or contingent risk of five million dollars or .5% percent of the University budget, whichever amount is smaller, other than grants, contracts, and other agreements for research, sponsored training, clinical trials, patents and licensing, technology transfer, and research compliance.
3. Contractual obligation of more than five (5) years' duration and an aggregate net value of five million or more dollars, options, renewals, extensions, or amendments thereto, other than grants, contracts, and other agreements for research, sponsored training, clinical trials, patents and licensing, technology transfer, and research compliance.
4. Changes requiring SACS substantive-change approval.
5. Acquisition (including gifts), sale, or encumbrance of real property.
6. Matters with potential for significant damage to the reputation of the University.
7. Any material change to the University's investment program.
8. Approval of capital projects valued at two million dollars or more and any material changes to such projects.
9. Borrowing of funds by the University or Affiliated Entities and any changes to the term of existing indebtedness.
10. Public Private Partnerships.
11. Use of University funds for capital improvement projects exceeding two million dollars in construction costs and all changes to such projects that increase project costs by more than 10 percent of the original estimate.

12. Creation, dissolution or amendment of governing documents of Affiliated Entities.
13. Review and confirmation of all appointments by the President to affiliated entities other than President or designee as provided in Section 1004.28 F.S.
14. Adoption of or amendment to the University strategic plan.
15. Annual operating and capital budgets for the University and Affiliated Entities and amendments to any line item of two million dollars or greater that exceeds 10% of the value of such line item.
16. University works plans, accountability plans and all other significant reports required to be submitted to the BOG.
17. Creation or termination of degree programs.
18. Naming of Buildings.
19. Establishment or closure of educational sites.
20. Amendment to University governing documents.
21. Establishment or elimination of Board Committees.
22. Hiring, supervision, termination and annual evaluation of the President.
23. University regulations and Board policies.
24. Annual institutional budget request and changes thereto in an amount greater than the lower of five million dollars or .5% of the budget
25. Adoption of new or changes in existing tuition and fees.
26. Internal and external audits of the University and Affiliated Entities.
27. Campus master plan, capital improvement plans, and amendments thereto.
28. Adoption or amendments to Committee charters.
29. Awarding of Tenure.
30. Collective bargaining agreements and impasse.
31. Conferral of degrees.
32. Transfer of university funds to, from, or among Affiliated Entities.
33. Performance unit plan adoption, amendment and cancellation as well as participation, goals and payments under the performance unit plan.
34. Hiring and firing or reduction of compensation of the Vice President and General Counsel, Chief Compliance Officer, and Chief Audit Executive, who shall report to the Board as well as the President.
35. Hiring and firing or reduction of compensation for the Chief Financial Officer and the Vice President of Administration or Chief Operating Officer.
36. Selection of Chair and Vice Chair of the Board.
37. All items required by the BOG or Florida Legislature to be approved by the Board.
38. Any additional items required by the Board to be approved by it.

Items requiring President to consult with the Board Chair before implementation:

1. Hiring, dismissal (except for Vice President and General Counsel, Chief Compliance officer and Chief Audit Executive) and any annual increase of more than 5% in the compensation of any Vice President or other direct report to the President, the head football coach or the head men's basketball coach. The President and Chair shall review and agree annually on the individuals that are governed by this provision.

2. Initiation, appeal or settlement of lawsuits involving the University or Affiliated Entities other than tort claims handled by the State Division of Risk Management.
3. Any matter which has the potential to create significant political or reputational issues for the University.
4. Employment contract with an employee of the University or an Affiliated Entity with a term greater than one year

INITIATING AUTHORITY

UCF Board of Trustees

History: New 10-26-2017. Amended 1-24-19, 5-16-19.

Authority: Section 7(c), Art. IX, Fla. Const.; FL BOG Regulation 1.001; FL BOG Delegation Best Practices and Principles.