

1                                   A bill to be entitled  
 2           An act relating to public meetings; amending s.  
 3           1004.28, F.S.; providing an exemption from public  
 4           meeting requirements for a meeting or portion of a  
 5           meeting of the board of directors of a university  
 6           direct-support organization or of the executive  
 7           committee or other committees of the board; specifying  
 8           exceptions to the exemption; providing for review and  
 9           repeal of the exemption; providing a statement of  
 10          public necessity; providing an effective date.

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

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 14           Section 1. Subsection (5) of section 1004.28, Florida  
 15 Statutes, is amended to read:

16           1004.28 Direct-support organizations; use of property;  
 17 board of directors; activities; audit; facilities.—

18           (5) ANNUAL AUDIT; PUBLIC RECORDS EXEMPTION; PUBLIC  
 19 MEETINGS EXEMPTION.—Each direct-support organization shall  
 20 provide for an annual financial audit of its accounts and  
 21 records to be conducted by an independent certified public  
 22 accountant in accordance with rules adopted by the Auditor  
 23 General pursuant to s. 11.45(8) and by the university board of  
 24 trustees. The annual audit report shall be submitted, within 9  
 25 months after the end of the fiscal year, to the Auditor General  
 26 and the Board of Governors for review. The Board of Governors,  
 27 the university board of trustees, the Auditor General, and the  
 28 Office of Program Policy Analysis and Government Accountability

29 | shall have the authority to require and receive from the  
30 | organization or from its independent auditor any records  
31 | relative to the operation of the organization. The identity of  
32 | donors who desire to remain anonymous shall be protected, and  
33 | that anonymity shall be maintained in the auditor's report.

34 |     (a) All records of the organization other than the  
35 | auditor's report, management letter, and any supplemental data  
36 | requested by the Board of Governors, the university board of  
37 | trustees, the Auditor General, and the Office of Program Policy  
38 | Analysis and Government Accountability shall be confidential and  
39 | exempt from ~~the provisions of~~ s. 119.07(1).

40 |     (b)1. A meeting or portion of a meeting of the board of  
41 | directors of the organization or of the executive committee or  
42 | other committees of the board at which the expenditure of funds  
43 | appropriated to the organization by the state are discussed or  
44 | reported or at which the documents specified as public records  
45 | under paragraph (a) are discussed or reported must remain open  
46 | to the public in accordance with s. 286.011 and s. 24(b), Art. I  
47 | of the State Constitution unless made confidential or exempt by  
48 | law.

49 |     2. A meeting or portion of a meeting of the board of  
50 | directors of the organization or of the executive committee or  
51 | other committees of the board, other than a meeting or portion  
52 | of a meeting specified in subparagraph 1., at which a document  
53 | specified as being confidential or exempt under paragraph (a) is  
54 | discussed or reported is exempt from s. 286.011 and s. 24(b),  
55 | Art. I of the State Constitution. This subparagraph is subject  
56 | to the Open Government Sunset Review Act in accordance with s.

57 119.15, Florida Statutes, and shall stand repealed on October 2,  
58 2018, unless reviewed and saved from repeal through reenactment  
59 by the Legislature.

60 Section 2. The Legislature finds that it is a public  
61 necessity that meetings of the board of directors of a direct-  
62 support organization established under s. 1004.28, Florida  
63 Statutes, or of the executive committee or other committees of  
64 such board should be made exempt from public meeting  
65 requirements, except for those meetings at which the expenditure  
66 of funds appropriated to the organization by the state are  
67 discussed or reported or at which the documents specified as  
68 public records in s. 1004.28(5)(a), Florida Statutes, are  
69 discussed or reported. For the benefit of the state  
70 universities, and ultimately all citizens, of Florida, direct-  
71 support organizations serve a vital role in raising charitable  
72 donations from private sources. This undertaking often demands  
73 great sensitivity and discretion. These resources are frequently  
74 used to fund university-connected research projects, which  
75 provide valuable opportunities for faculty and students and may  
76 lead to future commercial applications. This activity requires  
77 the direct-support organization to evaluate proposals that  
78 contain highly proprietary information, including specific  
79 research approaches and targets of investigation. The state has  
80 recognized these realities by expressly making most of the  
81 records of direct-support organizations confidential and exempt  
82 from the state's public records laws. Failure to close meetings  
83 in which such exempt or confidential records are reported or  
84 discussed would significantly compromise their confidentiality.

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85 Adequate supervision and safeguards with respect to the  
86 operation of direct-support organizations are provided in s.  
87 1004.28, Florida Statutes, through the annual audit process and  
88 access by the Board of Governors, university boards of trustees,  
89 and other state entities to the auditor's report, management  
90 letter, and any requested supplemental data. The public will  
91 continue to be guaranteed access to meetings of direct-support  
92 organizations that pertain to such information or to the  
93 expenditure of state-appropriated funds.

94 Section 3. This act shall take effect October 1, 2013.