

HB 5601

2017

1 A bill to be entitled

2 An act relating to higher education; amending s.
3 1004.28, F.S.; removing provisions authorizing a
4 university direct-support organization to use the
5 personal services of a state university; prohibiting a
6 university direct-support organization from giving any
7 gift to a political entity; providing that only
8 specified records of a university direct-support
9 organization are confidential and exempt from
10 specified provisions; amending s. 1004.70, F.S.;
11 removing provisions authorizing a direct-support
12 organization to use the personal services of a Florida
13 College System institution; prohibiting a Florida
14 College System institution direct-support organization
15 from giving any gift to a political entity; providing
16 that only specified records of a Florida College
17 System institution direct-support organization are
18 confidential and exempt from specified provisions;
19 providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Paragraph (b) of subsection (1), subsections
24 (2) and (4), and paragraph (b) of subsection (5) of section
25 1004.28, Florida Statutes, are amended to read:

26 1004.28 Direct-support organizations; use of property;
 27 board of directors; activities; audit; facilities.—

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

29 ~~(b) "Personal services" includes full-time or part-time~~
 30 ~~personnel as well as payroll processing.~~

31 (2) USE OF PROPERTY.—

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

39 (b) The board of trustees, in accordance with rules and
 40 guidelines of the Board of Governors, shall prescribe by rule
 41 conditions with which a university direct-support organization
 42 must comply in order to use property or, facilities, ~~or personal~~
 43 ~~services~~ at any state university. Such rules shall provide for
 44 budget and audit review and oversight by the board of trustees.

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

51 (4) ACTIVITIES; RESTRICTION.—A university direct-support
 52 organization is prohibited from giving, either directly or
 53 indirectly, any gift to a political committee as defined in s.
 54 106.011 ~~for any purpose other than those certified by a majority~~
 55 ~~roll call vote of the governing board of the direct-support~~
 56 ~~organization at a regularly scheduled meeting as being directly~~
 57 ~~related to the educational mission of the university.~~

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

60 (b) All records of the organization relating to the
 61 identity of donors who desire to remain anonymous ~~other than the~~
 62 ~~auditor's report, management letter, and any supplemental data~~
 63 ~~requested by the Board of Governors, the university board of~~
 64 ~~trustees, the Auditor General, and the Office of Program Policy~~
 65 ~~Analysis and Government Accountability~~ shall be confidential and
 66 exempt from s. 119.07(1).

67 Section 2. Subsections (1) and (3), paragraph (d) of
 68 subsection (4), and subsection (6) of section 1004.70, Florida
 69 Statutes, are amended to read:

70 1004.70 Florida College System institution direct-support
 71 organizations.—

72 (1) DEFINITION ~~DEFINITIONS~~.—For the purposes of this
 73 section a÷

74 ~~(a)~~ "Florida College System institution direct-support
 75 organization" means an organization that is:

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76 (a)1. A Florida corporation not for profit, incorporated
77 under the provisions of chapter 617 and approved by the
78 Department of State.

79 (b)2. Organized and operated exclusively to receive, hold,
80 invest, and administer property and to make expenditures to, or
81 for the benefit of, a Florida College System institution in this
82 state.

83 (c)3. An organization that the Florida College System
84 institution board of trustees, after review, has certified to be
85 operating in a manner consistent with the goals of the Florida
86 College System institution and in the best interest of the
87 state. Any organization that is denied certification by the
88 board of trustees may not use the name of the Florida College
89 System institution that it serves.

90 ~~(b) "Personal services" includes full-time or part-time~~
91 ~~personnel as well as payroll processing.~~

92 (3) USE OF PROPERTY.—

93 (a) The board of trustees is authorized to permit the use
94 of property and, facilities, ~~and personal services~~ at any
95 Florida College System institution by any Florida College System
96 institution direct-support organization, subject to the
97 provisions of this section.

98 (b) The board of trustees is authorized to prescribe by
99 rule any condition with which a Florida College System
100 institution direct-support organization must comply in order to

101 use property or, facilities, ~~or personal services~~ at any Florida
102 College System institution.

103 (c) The board of trustees may not permit the use of
104 property or, facilities, ~~or personal services~~ at any Florida
105 College System institution by any Florida College System
106 institution direct-support organization that does not provide
107 equal employment opportunities to all persons regardless of
108 race, color, national origin, gender, age, or religion.

109 (4) ACTIVITIES; RESTRICTIONS.—

110 (d) A Florida College System institution direct-support
111 organization is prohibited from giving, either directly or
112 indirectly, any gift to a political committee as defined in s.
113 106.011 ~~for any purpose other than those certified by a majority~~
114 ~~roll call vote of the governing board of the direct-support~~
115 ~~organization at a regularly scheduled meeting as being directly~~
116 ~~related to the educational mission of the Florida College System~~
117 ~~institution.~~

118 (6) ANNUAL AUDIT.—Each direct-support organization shall
119 provide for an annual financial audit in accordance with rules
120 adopted by the Auditor General pursuant to s. 11.45(8). The
121 annual audit report must be submitted, within 9 months after the
122 end of the fiscal year, to the Auditor General, the State Board
123 of Education, and the board of trustees for review. The board of
124 trustees, the Auditor General, and the Office of Program Policy
125 Analysis and Government Accountability may require and receive

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126 | from the organization or from its independent auditor any detail
127 | or supplemental data relative to the operation of the
128 | organization. The identity of donors who desire to remain
129 | anonymous shall be protected, and that anonymity shall be
130 | maintained in the auditor's report. All records of the
131 | organization relating to the identity of donors who desire to
132 | remain anonymous, ~~other than the auditor's report, any~~
133 | ~~information necessary for the auditor's report, any information~~
134 | ~~related to the expenditure of funds, and any supplemental data~~
135 | ~~requested by the board of trustees, the Auditor General, and the~~
136 | ~~Office of Program Policy Analysis and Government Accountability,~~
137 | shall be confidential and exempt from the provisions of s.
138 | 119.07(1).

139 | Section 3. This act shall take effect July 1, 2017.