Florida House of Representatives - 2000

CS/CS/HB 505

By the Committees on Community Colleges & Career Prep, Colleges & Universities and Representatives Betancourt, Rojas, Chestnut, Flanagan, Waters, J. Miller, Suarez and R. Diaz de la Portilla

1	A bill to be entitled
2	An act relating to direct-support
3	organizations; amending s. 240.299, F.S.;
4	prohibiting a university direct-support
5	organization from making certain political
6	contributions; amending s. 240.331, F.S.;
7	prohibiting a community college direct-support
8	organization from making certain political
9	contributions; amending s. 240.3315, F.S.;
10	prohibiting a statewide community college
11	direct-support organization from making certain
12	political contributions; providing an effective
13	date.
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15	Be It Enacted by the Legislature of the State of Florida:
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17	Section 1. Section 240.299, Florida Statutes, is
18	amended to read:
19	240.299 Direct-support organizations; use of property;
20	board of directors; <u>activities;</u> audit; facilities
21	(1) DEFINITIONSFor the purposes of this section:
22	(a) "University direct-support organization" means an
23	organization which is:
24	1. A Florida corporation not for profit incorporated
25	under the provisions of chapter 617 and approved by the
26	Department of State;
27	2. Organized and operated exclusively to receive,
28	hold, invest, and administer property and to make expenditures
29	to or for the benefit of a state university in Florida or for
30	the benefit of a research and development park or research and
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development authority affiliated with a state university and
 organized under part V of chapter 159; and

3 3. An organization which the Board of Regents, after 4 review, has certified to be operating in a manner consistent 5 with the goals of the university and in the best interest of 6 the state. Any organization which is denied certification by 7 the Board of Regents shall not use the name of the university 8 which it serves.

9 (b) "Personal services" includes full-time or 10 part-time personnel as well as payroll processing.

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(2) USE OF PROPERTY.--

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

(b) The Board of Regents shall prescribe by rule conditions with which a university direct-support organization must comply in order to use property, facilities, or personal services at any state university. Such rules shall provide for budget and audit review and oversight by the Board of Regents.

(c) The Board of Regents shall not permit the use of property, facilities, or personal services at any state university by any university direct-support organization which does not provide equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin.

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BOARD OF DIRECTORS. -- The chair of the Board of 1 (3) 2 Regents may appoint a representative to the board of directors 3 and the executive committee of any direct-support organization 4 established under this section. The president of the 5 university for which the direct-support organization is б established, or his or her designee, shall also serve on the 7 board of directors and the executive committee of any 8 direct-support organization established to benefit that 9 university. 10 (4) ACTIVITIES; RESTRICTION.--A university 11 direct-support organization is prohibited from giving, either 12 directly or indirectly, any gift to a political committee or 13 committee of continuous existence, as defined in s. 106.01, 14 for any purpose that is unrelated to the educational mission 15 of the university. (5)(4) ANNUAL AUDIT.--Each direct-support organization 16 shall make provisions for an annual postaudit of its financial 17 accounts to be conducted by an independent certified public 18 19 accountant in accordance with rules to be promulgated by the 20 Board of Regents. The annual audit report shall include a management letter and shall be submitted to the Auditor 21 General and the Board of Regents for review. The Board of 22 Regents and the Auditor General shall have the authority to 23 require and receive from the organization or from its 24 25 independent auditor any detail or supplemental data relative 26 to the operation of the organization. The identity of donors 27 who desire to remain anonymous shall be protected, and that 28 anonymity shall be maintained in the auditor's report. All 29 records of the organization other than the auditor's report, management letter, and any supplemental data requested by the 30 31

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Board of Regents and the Auditor General shall be confidential 1 2 and exempt from the provisions of s. 119.07(1). 3 (6)(5) FACILITIES.--In addition to issuance of 4 indebtedness pursuant to s. 240.2093(2), each direct-support 5 organization is authorized to enter into agreements to б finance, design and construct, lease, lease-purchase, 7 purchase, or operate facilities necessary and desirable to 8 serve the needs and purposes of the university, as determined 9 by the systemwide strategic plan adopted by the Board of Regents, upon approval of such agreements by the Board of 10 11 Regents and approval of the project by the Legislature. Such 12 agreements are subject to the provisions of s. 243.151. 13 (7) (6) ANNUAL BUDGETS AND REPORTS.--Each 14 direct-support organization shall submit to the university president and the Board of Regents its federal Internal 15 16 Revenue Service Application for Recognition of Exemption form (Form 1023) and its federal Internal Revenue Service Return of 17 Organization Exempt from Income Tax form (Form 990). 18 19 Section 2. Paragraph (d) is added to subsection (4) of 20 section 240.331, Florida Statutes, to read: 21 240.331 Community college direct-support 22 organizations.--(4) ACTIVITIES; RESTRICTIONS.--23 24 (d) A community college direct-support organization is prohibited from giving, either directly or indirectly, any 25 26 gift to a political committee or committee of continuous existence, as defined in s. 106.011, for any purpose that is 27 28 unrelated to the educational mission of the community college. 29 Section 3. Paragraph (c) is added to subsection (4) of section 240.3315, Florida Statutes, to read: 30 31

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1	240.3315 Statewide community college direct-support
2	organizations
3	(4) RESTRICTIONS
4	(c) A statewide community college direct-support
5	organization is prohibited from giving, either directly or
6	indirectly, any gift to a political committee or committee of
7	continuous existence, as defined in s. 106.011, for any
8	purpose that is unrelated to the educational mission of the
9	State Board of Community Colleges.
10	Section 4. This act shall take effect July 1, 2000.
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