

By the Committee on Ethics and Elections; and Senators Kurth and Kirkpatrick

313-1713-00

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 statewide community college
11 direct-support organizations from making
12 certain political contributions; providing an
13 effective 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; activities; ~~audit~~; ~~facilities~~.--

21 (1) DEFINITIONS.--For 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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1 development authority affiliated with a state university and
2 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.

11 (2) USE OF PROPERTY.--

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

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

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

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1 (3) BOARD OF DIRECTORS.--The chair of the Board of
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
6 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. 106.011.

14 ~~(5)~~(4) ANNUAL AUDIT.--Each direct-support organization
15 shall make provisions for an annual postaudit of its financial
16 accounts to be conducted by an independent certified public
17 accountant in accordance with rules to be promulgated by the
18 Board of Regents. The annual audit report shall include a
19 management letter and shall be submitted to the Auditor
20 General and the Board of Regents for review. The Board of
21 Regents and the Auditor General shall have the authority to
22 require and receive from the organization or from its
23 independent auditor any detail or supplemental data relative
24 to the operation of the organization. The identity of donors
25 who desire to remain anonymous shall be protected, and that
26 anonymity shall be maintained in the auditor's report. All
27 records of the organization other than the auditor's report,
28 management letter, and any supplemental data requested by the
29 Board of Regents and the Auditor General shall be confidential
30 and exempt from the provisions of s. 119.07(1).

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1 ~~(6)~~(5) FACILITIES.--In addition to issuance of
2 indebtedness pursuant to s. 240.2093(2), each direct-support
3 organization is authorized to enter into agreements to
4 finance, design and construct, lease, lease-purchase,
5 purchase, or operate facilities necessary and desirable to
6 serve the needs and purposes of the university, as determined
7 by the systemwide strategic plan adopted by the Board of
8 Regents, upon approval of such agreements by the Board of
9 Regents and approval of the project by the Legislature. Such
10 agreements are subject to the provisions of s. 243.151.

11 ~~(7)~~(6) ANNUAL BUDGETS AND REPORTS.--Each
12 direct-support organization shall submit to the university
13 president and the Board of Regents its federal Internal
14 Revenue Service Application for Recognition of Exemption form
15 (Form 1023) and its federal Internal Revenue Service Return of
16 Organization Exempt from Income Tax form (Form 990).

17 Section 2. Paragraph (d) is added to subsection (4) of
18 section 240.331, Florida Statutes, to read:

19 240.331 Community college direct-support
20 organizations.--

21 (4) ACTIVITIES; RESTRICTIONS.--

22 (d) A community college direct-support organization is
23 prohibited from giving, either directly or indirectly, any
24 gift to a political committee or committee of continuous
25 existence as defined in s. 106.011.

26 Section 3. Paragraph (c) is added to subsection (4) of
27 section 240.3315, Florida Statutes, to read:

28 240.3315 Statewide community college direct-support
29 organizations.--

30 (4) RESTRICTIONS.--

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