

Bill No. CS for SB 2108

Amendment No. 6 Barcode 882402

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Governmental Oversight and Productivity recommended the following amendment:

Senate Amendment (with title amendment)

On page 65, between lines 9 and 10,

insert:

Section 22. Subsections (1), (2), (3), (5), and (7) of section 240.299, Florida Statutes, are amended to read:

240.299 Direct-support organizations; use of property; board of directors; activities; audit; facilities.--

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

(a) "University direct-support organization" means an

organization that ~~which~~ is:

1. A Florida corporation not for profit incorporated under the provisions of chapter 617 and approved by the Department of State;

2. Organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of a state university in Florida or for 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 that ~~which~~ the board of regents of
4 a state university, after review, has certified to be
5 operating in a manner consistent with the goals of the
6 university and in the best interest of the state. Any
7 organization that ~~which~~ is denied certification by the board
8 of regents of a state university may ~~shall~~ not use the name of
9 the university that ~~which~~ it serves.

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

12 (2) USE OF PROPERTY.--

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

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

27 (c) The board of regents of a state university may
28 ~~shall~~ not permit the use of property, facilities, or personal
29 services at its ~~any~~ state university by any university
30 direct-support organization that ~~which~~ does not provide equal
31 employment opportunities to all persons regardless of race,

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1 color, religion, sex, age, or national origin.

2 (3) BOARD OF DIRECTORS.--The chair of the board of
3 regents of a state university may appoint a representative to
4 the board of directors and the executive committee of any
5 direct-support organization established under this section.
6 The president of the university for which the direct-support
7 organization is established, or his or her designee, shall
8 also serve on the board of directors and the executive
9 committee of any direct-support organization established to
10 benefit that university.

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

29 (7) ANNUAL BUDGETS AND REPORTS.--Each direct-support
30 organization shall submit to the university president and the
31 board of regents of the state university its federal Internal

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1 Revenue Service Application for Recognition of Exemption form
2 (Form 1023) and its federal Internal Revenue Service Return of
3 Organization Exempt from Income Tax form (Form 990).

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5 (Redesignate subsequent sections.)

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8 ===== T I T L E A M E N D M E N T =====

9 And the title is amended as follows:

10 On page 6, line 2, after the semicolon,

11
12 insert:

13 amending s. 240.299, F.S.; providing for
14 university boards of trustees to certify the
15 operations of university direct-support
16 organizations; providing rulemaking authority;

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