

Bill No. CS for CS for SB 1270

Barcode 733302

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Constantine moved the following amendment:

Senate Amendment (with title amendment)

On page 133, line 16, through
page 135, line 10, delete those lines

and insert:

Section 89. Section 1004.28, Florida Statutes, is
amended to read:

1004.28 Direct-support organizations; use of real or
tangible personal property; board of directors; activities;
audit; facilities.--

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

(a) "University direct-support organization" means an
organization 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 real or tangible personal
property and to make expenditures to or for the benefit of a

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1 state university in Florida or for the benefit of a research
2 and development park or research and development authority
3 affiliated with a state university and organized under part V
4 of chapter 159.

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

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

13 (2) USE OF PROPERTY.--

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

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

28 (c) The board of trustees shall not permit the use of
29 real or tangible personal property, facilities, or personal
30 services at any state university by any university
31 direct-support organization that does not provide equal

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1 employment opportunities to all persons regardless of race,
2 color, religion, gender, age, or national origin.

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

12 (4) ACTIVITIES; RESTRICTION.--A university
13 direct-support organization is prohibited from giving, either
14 directly or indirectly, any gift to a political committee or
15 committee of continuous existence as defined in s. 106.011 for
16 any purpose other than those certified by a majority roll call
17 vote of the governing board of the direct-support organization
18 at a regularly scheduled meeting as being directly related to
19 the educational mission of the university.

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

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1 from the organization or from its independent auditor any
 2 records relative to the operation of the organization. The
 3 identity of donors who desire to remain anonymous shall be
 4 protected, and that anonymity shall be maintained in the
 5 auditor's report. All records of the organization other than
 6 the auditor's report, management letter, and any supplemental
 7 data requested by the Board of Governors ~~State Board of~~
 8 ~~Education~~, the university board of trustees, the Auditor
 9 General, and the Office of Program Policy Analysis and
 10 Government Accountability shall be confidential and exempt
 11 from the provisions of s. 119.07(1).

12 (6) FACILITIES.--~~In addition to issuance of~~
 13 ~~indebtedness pursuant to s. 1010.60(2)~~, Each direct-support
 14 organization is authorized to enter into agreements to
 15 finance, design and construct, lease, lease-purchase,
 16 purchase, or operate facilities necessary and desirable to
 17 serve the needs and purposes of the university, as determined
 18 by the systemwide strategic plan adopted by the Board of
 19 Governors ~~State Board of Education~~. Such agreements are
 20 subject to the provisions of ss. s. 1013.171 and 1010.62.

21 (7) ANNUAL BUDGETS AND REPORTS.--Each direct-support
 22 organization shall submit to the university president and the
 23 Board of Governors ~~State Board of Education~~ its federal
 24 Internal Revenue Service Application for Recognition of
 25 Exemption form (Form 1023) and its federal Internal Revenue
 26 Service Return of Organization Exempt from Income Tax form
 27 (Form 990).

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

31 And the title is amended as follows:

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1 On page 10, line 14, after the semicolon,

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3 insert:

4 limiting the type of property that university
5 direct-support organizations may receive, hold,
6 invest, or administer; conforming provisions;

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