

Committee Substitute for
Committee Substitute for Senate Bill No. 890

An act relating to direct-support organizations; amending s. 240.299, F.S.; prohibiting a university direct-support organization from making certain political contributions unless approved by board vote; amending s. 240.331, F.S.; prohibiting a community college direct-support organization from making certain political contributions unless approved by board vote; amending s. 240.3315, F.S.; prohibiting statewide community college direct-support organizations from making certain political contributions unless approved by board vote; providing an effective date.

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

Section 1. Section 240.299, Florida Statutes, is 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 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 development authority affiliated with a state university and organized under part V of chapter 159; and

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

(b) “Personal services” includes full-time or part-time personnel as well as payroll processing.

(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.

(3) BOARD OF DIRECTORS.—The chair of the Board of Regents may appoint a representative to the board of directors and the executive committee of any direct-support organization established under this section. The president of the university for which the direct-support organization is established, or his or her designee, shall also serve on the board of directors and the executive committee of any direct-support organization established to benefit that university.

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

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

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

(7)(6) ANNUAL BUDGETS AND REPORTS.—Each direct-support organization shall submit to the university president and the Board of Regents

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

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

240.331 Community college direct-support organizations.—

(4) ACTIVITIES; RESTRICTIONS.—

(d) A community college direct-support organization is prohibited from giving, either directly or indirectly, any gift to a political committee or committee of continuous existence as defined in s. 106.011 for any purpose other than those certified by a majority roll call vote of the governing board of the direct support organization at a regularly scheduled meeting as being directly related to the educational mission of the community college.

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

240.3315 Statewide community college direct-support organizations.—

(4) RESTRICTIONS.—

(c) A statewide community college direct-support organization is prohibited from giving, either directly or indirectly, any gift to a political committee or committee of continuous existence as defined in s. 106.011 for any purpose other than those certified by a majority roll call vote of the governing board of the direct support organization at a regularly scheduled meeting as being directly related to the educational mission of the State Board of Community Colleges.

Section 4. This act shall take effect July 1, 2000.

Approved by the Governor June 14, 2000.

Filed in Office Secretary of State June 14, 2000.