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## FIRST AMENDMENT FOUNDATION

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### LEGISLATIVE ALERT

April 6, 2017

## A little ray of *SUNSHINE* in an otherwise cloudy legislative session?



Yesterday, the House Appropriations Committee unanimously approved a proposed bill, PCB APC 17-05, that strips university and college direct support organizations (DSOs) of what we consider overly-broad public record exemptions.

Consider this: In Florida, there is a presumption of openness. That is, we *presume* that all government records are public records subject to disclosure unless there is a specific statutory exemption. But for the DSOs, that presumption is reversed – all DSO records are exempt unless specifically subject to disclosure.

Currently, all DSO records *other than* an auditor's report, management letter, and supplemental data requested by the Board of Governors, the board of trustees, the Auditor General, and Office of Program Policy Analysis and Government Accountability are confidential and exempt.

The PCB, which has not yet been assigned a bill number, repeals the exemptions, meaning that all records of the DSOs will be subject to disclosure absent other statutory exemptions that may apply. The identity of donors who desire anonymity will remain exempt.

In our opinion, this brings a much needed level of transparency and oversight to the DSOs and holds them to the same standard of openness as the universities and colleges the DSOs are designed to serve.

Here is a link to the PCB, <http://bit.ly/2o7IVIS>, and the associated staff analysis, <http://bit.ly/2oJtTZS>.

On a side note, PCB APC 17-05 prohibits a DSO from billing a university or college for the use of “personal services,” which includes the institution’s personnel and payroll processing. According to the staff analysis, 21 college DSOs are using personal services and have billed the colleges a total of \$9.9 million. Ten universities DSOs have billed their respective universities a total of \$53.2 million.

The proposed legislation also prohibits the DSOs from making donations or gifts to political committees.

We’ll be adding the PCB to our tracking list once it has a bill number and will keep you apprised of its progress.

If you have questions about this proposed bill or any of the other bills currently on our tracking list, please contact Barbara Petersen at 800/337-3518 or [sunshine@floridafaf.org](mailto:sunshine@floridafaf.org).