

OFFICE OF THE GENERAL COUNSEL: USF REGULATIONS

NOTICE: PROPOSED REVISED REGULATION

DATE: August 20, 2009

Regulation No: USF 13.002

TITLE: Direct-Support Organizations

Summary:

The Florida Board of Governors Regulation Development Procedure (7-21-05) requires a university to monitor the effects of new regulations and periodically review existing regulations to ensure they are current and consistent. The *Direct-Support Organizations* regulation was reviewed by the Office of the General Counsel and has been updated to change “University” to “USF system,” and correct other references, where appropriate.

Full text of the proposed amendments follows: or contact Dee Brown at usflegal@admin.usf.edu.

End of Summary.

University of South Florida system Regulation

Number: USF ~~6C4~~-13.002

Subject: Direct-Support Organizations

(1) An organization seeking to receive, hold, invest and administer property and to make expenditures to or for the benefit of the University of South Florida system (“USF system”) may request approval by the University of South Florida (~~“University”~~) Board of Trustees (~~“University Board”~~) to become a direct-support organization, as provided in Section 1004.28, Florida Statutes. Upon approval by ~~said~~ University ~~that~~ Board, a direct-support organization shall be certified and authorized to use the property, facilities and personnel services of the ~~University~~ USF system to the extent permissible by applicable law,

the conditions prescribed by ~~this rule, regulations,~~ and internal management memoranda of the ~~University-USF system.~~

(2) The Articles of Incorporation and Bylaws of a direct-support organization of the ~~University-USF system~~ and all amendments of such Articles or Bylaws, shall be ~~subject to recommendation and~~ presented by the President of the ~~University-USF system~~ (“President”) to the ~~University~~-Board for review and approval.

(3) Operating budgets of direct-support organizations shall be prepared at least annually, approved by the organization’s governing board, and presented by the President to the ~~University~~-Board for review and approval.

(4) Expenditure plans of direct-support organizations shall be reviewed and approved quarterly by the President or designee; said designee shall be a vice president, provost or other duly authorized senior officer of the ~~University-USF system~~ reporting directly to the President and having operational responsibility on behalf of the ~~University-USF system~~ for the direct-support organization.

(5) Direct-support organizations shall provide for an annual financial audit and management letter, as prescribed by, ~~applicable law, rules,~~ and in accordance ~~therewith,~~ with, applicable law, regulations (including USF Regulation 13.002, Direct-Support Organizations) and internal management memoranda ~~of the University, which.~~ The letter shall be forwarded to the ~~University~~ Board for review, oversight and approval.

(6) The ~~University~~ Board ~~shall~~ is authorized to revoke certification of an organization as a direct-support organization of the ~~University-USF system~~ if it determines, in its sole discretion, that the organization is no longer serving the best interest of the ~~University.~~ The University-USF system. If certification is revoked, the Board shall determine the disposition of the organization’s assets and liabilities in accordance with applicable laws, the organization’s Articles of Incorporation and Bylaws.

~~Specific Authority 1004.74(4); Art. IX, Sec. 7, Fla. Const. and Resolutions issued by the FL Board of Governors, BOG~~

~~Regulation 9.011, § 1004.28, F.S.(2)(b) FS. Law Implemented 1004.28, 1004.74(37) FS. History: New 11-20-03.~~

~~Formerly 6C4-13.002, F.A.C. Amended _____.~~

AUTHORITY TO ADOPT/AMEND/REPEAL REGULATION(S):

Art. IX, Sec. 7, Fla. Const. and Resolutions issued by the FL Board of Governors.

UNIVERSITY OFFICIAL INITIATING PROPOSED

AMENDMENTS/ADOPTION/REPEAL OF REGULATION(S): Steven D. Prevaux, General Counsel.

WRITTEN COMMENTS CONCERNING THIS PROPOSED REGULATION MAY BE SUBMITTED WITHIN 14 DAYS AFTER THE POSTING DATE OF THIS NOTICE TO:

Dee Brown, Agency Clerk

Office of the General Counsel

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