



The Florida House of Representatives

Appropriations Committee

Richard Corcoran
Speaker

Carlos Trujillo
Chair

February 23, 2017

Mr. Michael Morsberger
UCF Foundation, Inc.
12424 Research Parkway,
Suite 250
Orlando FL 32826

Dear Mr. Morsberger,

In January I had requested from your university direct support organization (“DSO”) certain fiscal data from 2015-16 in connection with the House’s effort to understand better the relationship between your DSO and the publicly funded university that your DSO supports. The House now is in receipt of the fiscal information I had requested from your DSO. Thank you for your efforts in this respect.

The Florida Constitution and state law guarantee the public the right to inspect and copy records made or received in connection with the official business of a public body, including the houses of the Legislature. At the same time, under section 11.0431 of the Florida Statutes, any “[r]ecords, or information contained therein, held by the legislative branch of government which, if held by an agency as defined in s. 119.01, or any other unit of government, would be confidential or exempt” are exempt from public inspection and copying.

It is true that generally speaking, the records of a university DSO are “confidential and exempt” from public inspection and copying, *see* § 1004.28(5)(b), Fla. Stat., and if that were the case, they also would be confidential and exempt in the Legislature’s hands. But university DSOs like yours still are subject to an annual financial audit, the report of which must be submitted to the Auditor General, who serves at the pleasure of the Legislature, *see* § 1004.28(5)(a); § 11.42(b), Fla. Stat. The Auditor General, among others, has the “authority to require and receive from the organization or from its independent auditor any records relative to the operation of the organization.” § 1004.28(5)(a), Fla. Stat. In turn, the following records and information *are not* confidential and *are not* exempt from inspection and copying: “[T]he auditor’s report, management letter, and any supplemental data requested by the Board of Governors, the

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university board of trustees, the Auditor General, and the Office of Program Policy Analysis and Government Accountability [“OPPAGA”].” § 1004.28(5)(b), Fla. Stat. Moreover, “All records of a nongovernmental agency, corporation, or person with respect to the receipt and expenditure of [a legislative] appropriation shall be public records and shall be treated in the same manner as other public records are under general law.” § 11.45(3)(e), Fla. Stat.

A review of the information provided in your fiscal summaries to the House indicates that all of that information, aside from any identification of donors, either 1) came from or were included in an auditor’s report, management letter, or supplemental data provided to the Board of Governors, your university’s board of trustees, or OPPAGA; or 2) related to the receipt or expenditure of public funds—including the receipt or expenditure of funds transferred from the university. In either case, that information is *not* confidential and is *not* otherwise exempt, and that information *may be disclosed by the House*. I notify you of this as a courtesy to give you an opportunity to contact my committee staff if you disagree. If we do not hear from you by March 6, 2017, the House will deem that as consent to any such public disclosure of the information that you provided.

Contact Tony Lloyd, Budget Chief for Higher Education Appropriations Subcommittee at (850) 717-4810 or Tony.Lloyd@laspbs.state.fl.us for further information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carlos Trujillo'.

Carlos Trujillo
Appropriations Committee, Chair

cc: Tony Lloyd