

**Florida Gulf Coast University Board of Trustees
January 15, 2008**

SUBJECT: Delegation of Authority

PROPOSED BOARD ACTION

For purposes of actions to be taken in accordance with Florida Statutes, authorize the President or designee to act on behalf of Florida Gulf Coast University Board of Trustees, with all the powers of the public body corporate, including the power to contract and be contracted with, to sue and be sued and to plead and be impleaded in all courts of law or equity.

BACKGROUND INFORMATION

Section 1001.72, Florida Statutes provides that, as a public body corporate, the FGCU Board of Trustees is invested with all the powers of a body corporate. The FGCU Board of Trustees is requested to authorize the President or designee to address routine matters related to the operation and management of the University as such matters related to contracts and lawsuits. To protect the interest of the University, it may be necessary or desirable from time to time to file or respond to claims or lawsuits, as well as contractual matters. Generally, time is of the essence with these matters.

In a lawsuit between the *Floridians for Constitutional Integrity, Inc. v. State Board of Education and Board of Governors*, on February 1, 2007 the Court of the Second Judicial Circuit declared that, among other statutes, Sections 1001.74 and 1001.75 were unconstitutional in their entirety. Section 1001.75, in particular, granted specific statutory authority to University Presidents. Since the President no longer has direct authority on some matters from the statutes, the FGCU Board of Trustees, in order to expedite the handling of important legal matters, has the authority to approve this delegation, and alleviate the need to schedule emergency meetings of the Board.

Supporting Documentation Included: N/A

Prepared by: General Counsel Vee Leonard

Legal Review by: N/A

Submitted by: General Counsel Vee Leonard