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State Loses Appeal Seeking to Dismiss Billion Dollar Lawsuit to Require State Matching of Private Donations to Florida's Public Colleges and Universities

First District Court of Appeal Rules Students and Donors Can Sue for Breach of Contract

Today, Florida's First District Court of Appeal rejected Governor Rick Scott's appeal to end a lawsuit to force the State to match private gifts to Florida's public colleges and universities. In connection with Florida's matching gifts program, the State promised donors that it would match private gifts. In response, private donors contributed many hundreds of millions of dollars to colleges and universities from one end of Florida to the other, with the match owed by the State taking the total owed to well over \$1 billion. After taking the money, Governor Scott and the Republican legislative leaders reneged, arguing that the State had no legal obligation to keep its promises.

In January, a Circuit Court in Tallahassee rejected the State's first effort to dismiss the lawsuit. Today, the First District Court of Appeal rejected the State's second try and its principal argument that Florida had no legal obligation to do that which it said it would do to induce hundreds of millions in private gifts. The appellate court relied on Florida Supreme Court cases dating back to 1984, which have held that State contracts must be enforceable because otherwise government contracts would be "illusory."

Plaintiffs' attorney Grace Mead at Stearns Weaver Miller expressed pleasure with the Court's decision and called on Governor Scott and the Republican led legislature to stop litigating and start keeping promises. Mead said: "Ignoring many hundreds of millions of dollars in financial obligations is no way to balance a budget. Affordable and excellent higher education is critical for Florida's families and the State's future."

She continued: "Private citizens stepped up to the plate to help the State meet its obligation to provide affordable education. Having induced those contributions with promises that gifts would be matched, it was fundamentally dishonest for our elected officials to turn their backs on the donors and the institutions they chose to support. A great State is not built on broken promises."

The lead Donor Plaintiffs in the lawsuit are Tommy Warren and Kathy Villacorta, and the lead Student Plaintiffs are Alexis Geffin and Ryan Geffin. Mr. Warren and Ms. Villacorta said: “We’re excited and look forward to our gifts and other donors’ gifts being matched.”

The following tables list of unmatched contributions to our colleges and universities:

**Minimum of Private and Public Monies Owed to Florida Public Colleges
(through February 2015)¹**

College	Minimum Owed
Broward College	\$15.16 M
Chipola College	\$4.75 M
College of Central Florida	\$12.9 M
Daytona State College	\$14.07 M
Eastern Florida State College	\$5.71 M
Florida Gateway College	\$5.06 M
Florida Keys Community College	\$1.87 M
Florida SouthWestern State College	\$16.58 M
Florida State College at Jacksonville	\$11.58 M
Foundation for FL CC	\$1.58 M
Gulf Coast State College	\$4.1 M
Hillsborough Community College	\$11.85 M
Indian River State College	\$25.4 M

¹ The dollars owed on this table are in millions and are minimums because they reflect the portions of the total that the State, its officials, or various subdivisions have publicly described as allocated to individual colleges. That line-item detail appears incomplete both because there are obvious gaps and because the line items do not add up to the full amount of the State’s matching totals published elsewhere.

College	Minimum Owed
Lake-Sumter State College	\$8.15 M
Miami Dade College	\$71.65 M
North Florida Community College	\$1.14 M
Northwest Florida State College	\$7.46 M
Palm Beach State College	\$32.89 M
Pasco-Hernando State College	\$6.74 M
Pensacola State College	\$5.07 M
Polk State College	\$22.87 M
Santa Fe College	\$11.77 M
Seminole State College	\$8.28 M
South Florida State College	\$5.36 M
St. Johns River State College	\$3.35 M
St. Petersburg College	\$10.22 M
State College of Florida, Manatee	\$13.83 M
Tallahassee Community College	\$4.5 M
Valencia College	\$15.06 M
Total	\$359.05 M

Minimum of Private and Public Monies Owed to Florida Public Universities (through February 2015)²

University	Minimum Owed
Florida A&M	\$1.22 M
Florida Atlantic University	\$9.52 M
Florida Gulf Coast University	\$13.35 M
Florida International University	\$49.67 M
Florida State University	\$49.81 M
New College of Florida	\$2.55 M
University of Central Florida	\$38.41 M
University of Florida	\$159.15 M
University of North Florida	\$9.6 M
University of South Florida	\$48.63 M
University of West Florida	\$2.44 M
Total	\$384.5 M

² The dollars owed on this table are in millions and minimums because they reflect the portions of the total that the State, its officials, or various subdivisions have publicly described as allocated to individual colleges. That line-item detail appears incomplete both because there are obvious gaps and because the line items do not add up to the full amount of the State's matching totals published elsewhere. As explained in the Complaints, according to the State, all of Florida's universities and their students are owed more than \$384.5 million.