Legal Opinion (C) (55-007)

Subject: Local Fee Committee

Date: August 19th, 2014

Student Body President Jean Cocco issued a request for a legal opinion on August 19th, 2014. Student Body President Cocco asked whether or not the Student Body President can appoint themselves to the local fee committee?

Statute 301.3.10.1 states the following: “Neither the Student Body President nor the Chair of the Activity and Service Fee Recommendation Committee shall be one of the three (3) student members appointed to sit on the Local Fee Committee”.

However, Florida Statue 1009.24, subsection 10(a) states the following: “Each university board of trustees shall establish a student activity and service fee on the main campus of the university. The university board may also establish a student activity and service fee on any branch campus or center. Any subsequent increase in the activity and service fee must be recommended by an activity and service fee committee, at least one-half of whom are students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie. The recommendations of the committee shall take effect only after approval by the university president, after consultation with the student body president, with final approval by the university board of trustees. An increase in the activity and service fee may occur only once each fiscal year and must be implemented beginning with the fall term. The Board of Governors is responsible for adopting the regulations and timetables necessary to implement this fee”.

Furthermore, Florida Statue 1004.26, subsection 3(a) and (b) state the following: “(3) Each student government shall adopt internal procedures governing:
(a) The operation and administration of the student government.
(b) The execution of all other duties as prescribed to the student government by law”.

Furthermore,

Article I, Section II of the Student Government Constitution states the following: “The Student Government Association shall be comprised of the Executive, Legislative, and Judicial Branches; in addition to functional groups and entities defined within the Student Body Constitution and Student Government Statutes. The powers and responsibilities of the Student Government Association shall be promulgated by the Constitution of the Student Body and the Student Government Statutes (hereinafter may be referred to as the “Statutes”) which shall not conflict with University Regulations or any other municipal, state, or federal law”.


Therefore, it is the opinion of the Attorney General that Student Government does have the ability to further define state law within its own internal procedure due to Florida Statute 1004.26, however our internal procedure may not be in violation of federal, state, local, or municipal law or University regulations. Student Government Statute 301.3.10.1 is in violation of Florida Statute 1009.24 because the Florida law is so specific in stating the only requirement being that the Student Body President must nominate students. The Student Body President is verified as a student via the Buckley Wavier he/she has signed, so to place an additional restriction that the Student Body President and the ASRC Chairperson may not serve on the local fee committee, as has been done in Student Government Statute 301.3.10.1, is unconstitutional and should be stricken from the record.

CC:
Student Body President Jean Cocco
Student Body Vice President Rhondel Whyte
Senate President Andy Rodriguez
Senate President Pro-Tempore Abdool Aziz
Chief Justice Sammy Hamed
Senior Justice Daniel Shapiro
SGATO Director Gary Manka