



UNIVERSITY OF SOUTH FLORIDA
STUDENT GOVERNMENT
Office of the Attorney General

Legal Opinion (C) (55-018)

Subject: ASRC Funding

Date: January 23rd, 2015

Special Funding Chairmen Corey Ulloa requested a legal opinion on January 23, 2015. Special Funding Chairmen Ulloa asked Is ASRC able to fund A&S departments for events charge students for events? ex. New Student Connections CampU

Florida statute 1009.24, 10(b) states the following:

The student activity and service fees shall be expended for lawful purposes to benefit the student body in general. This shall include, but shall not be limited to, student publications and grants to duly recognized student organizations, the membership of which is open to all students at the university without regard to race, sex, or religion. The fund may not benefit activities for which an admission fee is charged to students, except for student-government-association-sponsored concerts. The allocation and expenditure of the fund shall be determined by the student government association of the university, except that the president of the university may veto any line item or portion thereof within the budget when submitted by the student government association legislative body. The university president shall have 15 school days from the date of presentation of the budget to act on the allocation and expenditure recommendations, which shall be deemed approved if no action is taken within the 15 school days. If any line item or portion thereof within the budget is vetoed, the student government association legislative body shall within 15 school days make new budget recommendations for expenditure of the vetoed portion of the fund. If the university president vetoes any line item or portion thereof within the new budget revisions, the university president may reallocate by line item that vetoed portion to bond obligations guaranteed by activity and service fees. Unexpended funds and undisbursed funds remaining at the end of a fiscal year shall be carried over and remain in the student activity and service fund and be available for allocation and expenditure during the next fiscal year.

Furthermore,
Article I, Section II of the 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.

Furthermore,

Statute 801.14 states the following:


801.14 All events or services funded by A&S fees must be opened to all students, free of admission, dues or service charge.

801.14.1 Only Student Government sponsored concerts may charge students. Any A&S funded entity must receive authorization through a majority vote of the Senate in order to charge students at a Student Government sponsored concert.

801.14.1.1 All money collected shall be used to subsidize the event. All additional funds collected shall be returned to the Unallocated Cash Account.

801.14.1.2 Requests to hold a Student Government Sponsored concert must be submitted to the Senate President thirty (30) business days in advance.

Therefore, it is the opinion of the Attorney General that the Florida statute mentioned above is very clear that A&S fees may only be used on purposes that are available to all students, regardless of any factor. The Florida statute does allow for only one exception, that being student government sponsored concerts, and the only limiting factor in that situation would be an admissions charge. Other than that it would be the same exact rules that govern A&S money. Student Government statute 801.14 and its sub clauses reaffirm this, and outline the process to have a possible student government sponsored concert. It is then in my opinion, since it was asked for in the legal opinion request, that "Camp U", offered by New Student Connections, should not be funded because it limits participation to first year students, and on the basis that an additional fee is charged for students to participate. However, if these limitations and any others were lifted, then it would be eligible for funding.


Alexander Johnson
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CC:

Special Funding Chairmen Corey Ulloa
Student Body President Jean Cocco
Student Body Vice President Rhondel Whyte
Senate President Andy Rodriguez
Senate President Pro-Tempore Abdool Aziz
Acting Chief Justice Daniel Shapiro
Acting Senior Justice Lindsey Betros
SGATO Director Gary Manka

