UNIVERSITY OF FLORIDA SUPREME COURT
Heard and Decided January 22, 2023

In re: Affiliation Form Vacancy

VAN DE BOGART, J. delivers the opinion of the Court.

Petitioner Naeliz Imelda Lopez ("Petitioner") petitions this Court to: (i) order the Student Senate to hold a vote to expel Petitioner from the Student Senate pursuant to Article III, Section 6(c) of the Constitution and (ii) vacate Petitioner's previous seat if the Student Senate has filled it.

First, this Court declines Petitioner's requested relief to order the Student Senate to hold a vote to expel Petitioner, as the Senate Rules do not require this procedure for the vacancy of Petitioner's Student Senate seat. Second, this Court declines Petitioner's requested relief to vacate Petitioner's previous Student Senate seat that has now been filled.

I. Jurisdiction

This Court has jurisdiction under Article V Section 3(b)(2) of the University of Florida Student Body Constitution ("Constitution"), providing that "[t]he Supreme Court shall, upon written petition of any member of the Student Body and for good cause shown, order any Student Government official or any officer of a student organization that receives Student Body funds to perform any lawful act or refrain or desist from an unlawful act." As this Court stated in *In re*: "Ortiz Standing," "[f]or a petitioner to have standing under Article V Section 3(b)(2), there must be (1) a concrete injury, (2) traceable to the petitioner, and [be] (3) redressable by this court."

II. Background

On October 31, 2022, Petitioner's Student Senate seat was vacated under Student Body Statute 323.32 due to a failure to have an Affiliation Form in file with the Senate President or Senate Secretary. Student Body Statute 323.32 dictates that a failure to turn in an Affiliation Form is cause for a vacancy to occur. Further, Student Body Statute 340.11 provides that vacancy shall occur upon the resignation, removal, expulsion, or impeachment of a Student Senator or the abandonment of the seat by the Student Senator.

The Student Body Statutes do not specify the mechanism for vacancy of a Student Senate seat due to the failure to turn in an Affiliation Form. Petitioner asserts the circumstances require expulsion from her Student Senate seat. Article III, Section 6(c) of the Student Body Constitution requires that the expulsion of a Student Senator result from a two-thirds vote of the Senate. Thus, Petitioner argues the vacancy of her Student Senate seat was unconstitutional because it required a two-thirds vote of the Senate.

III. Analysis

A handful of requirements must be met to maintain one's Student Senate seat. One of these requirements is that Student Senators must keep an Affiliation Form on file with the Senate President or Senate Secretary, per Student Body Statute 323.32. Notices are sent to the Student Senators to turn in their Affiliation Forms, and they must comply with the Student Body Statute.

When examining the forms of removal from one's Student Senate seat, Student Body Statute 340.11 reads that abandonment of a seat by a Student Senator is a definition of vacancy of a Student Senate seat. Although Student Body Statute 323.32 does not specify the type of vacancy that occurs when a Student Senator fails to keep an Affiliation Form on file, and the other forms of vacancy listed by 340.11—

resignation, removal, expulsion, or impeachment—each have a procedural process noted elsewhere in the Student Body Statutes that carry out the vacancy, abandonment is inherently different. *Merriam-Webster* dictionary defines "abandon" as "to cease from maintaining, practicing, or using."[1] Regarding abandonment, the Student Senator's actions, including the failure to keep an Affiliation Form on file, decide their seat vacancy.

Here, Petitioner failed to meet a threshold requirement to continue her membership in the chamber. This Court is of the opinion that if Student Body Statute 323.32 is not followed, the Student Senator's seat is, in effect, abandoned. Abandonment can be decided by an individual Student Senator's failure to comply with the Student Body Statutes, in alignment with the facts of this case.

Moreover, the process by which Petitioner's Student Senate seat vacancy occurred complied with the Student Body Statutes, despite the fact the Statutes do not outline abandonment procedures. Whether the Student Body Statutes' lack of an approach to the procedure for abandonment is sufficient is not the Court's place to decide; instead, it is for the legislature to determine. As this case comes before the Court, abandonment of a Student Senate seat does not require a two-thirds vote of the Senate, like Petitioner claims.

As such, this Court finds Petitioner abandoned her Student Senate seat, which does not require the expulsion procedure Petitioner requests. Instead, the Student Senate properly vacated Petitioner's seat due to her failure to keep an Affiliation Form on file with the Senate President or Senate Secretary.

IV. Conclusion

THEREFORE, the Court (i) DENIES ordering the Student Senate to hold a vote to expel Petitioner from the Student Senate pursuant to Article III, Section 6(c) of the Constitution and (ii) DENIES vacating Petitioner's previous seat because the Student Senate has filled it.

It is so ordered.

WIELE, C.J., NEERANJAN, J., RUNYAN, J., ALLEN, J. concurring.

[1] *Abandon*, MERRIAM-WEBSTER DICTIONARY, https://www.merriam-webster.com/dictionary/abandon (last visited Feb. 3, 2023).

UNIVERSITY OF FLORIDA SUPREME COURT
Heard and Decided March 21, 2022

In re: Resign to Run Act

ALLEN, J. delivers the opinion of the Court.

Former Student Senator Faith Corbett ("Petitioner") petitions this Court to determine that the Resign to Run Act (Student Senate Bill ("SSB") 2022-1009, codified at Student Body Statute ("SBS") 739.0–739.4) does not apply when an individual has not qualified as a candidate for more than one office, or in the alternative, determine that the Resign to Run Act allows for the revocation of resignations that have not yet taken effect. Further, Petitioner asks the Court to enjoin Senate President Pro-Tempore Giordano from removing Petitioner's name from the Senate rolls or otherwise attempting to prevent Petitioner's exercise of Petitioner's elected office.

I. Jurisdiction

This Court has jurisdiction under Article V Section 3(b)(1)(A) of the University of Florida Student Body Constitution, providing that "[t]he Supreme Court shall interpret any provision of the constitution or any law upon written petition of twenty members of the Student Body." Petitioner requests interpretation of the Resign to Run Act, and presented to the Court a written petition with the required number of signatures from the Student Body.

However, Petitioner fails to properly establish jurisdiction under Article V Section 3(b)(2) of the Constitution, providing that "[t]he Supreme Court shall, upon written petition of any member of the Student Body and for good cause shown, order any Student Government official or any officer of a student organization that receives Student Body funds to perform any lawful act or refrain or desist from an unlawful act." To properly establish jurisdiction under Article V Section 3(b)(2), a petitioner must plead "(1) a concrete injury, (2) traceable to the petitioner, and (3) redressable by this court." *See In re:* Ortiz Standing. As such, this Court denies without prejudice Petitioner's request for relief that the Court enjoin Senate President Pro-Tempore Giordano from removing Petitioner's name from the Senate rolls or otherwise attempting to prevent Petitioner's exercise of Petitioner's elected office. Accordingly, the Court considered only Petitioner's request that the Court interpret the Resign to Run Act.

II. Background

On February, 7, 2023, Petitioner emailed Supervisor of Elections Ethan Halle and Senate President Pro-Tempore Catherine Giordano stating that, "Pursuant to code 739.1, this is my official notice of resignation from my position as a Senator, effective on the validation of election results." Petitioner had declared her candidacy for Student Body President and resigned her seat as Senator pursuant to the Resign to Act. However, on March 1, 2023, Petitioner lost her election and again emailed the Supervisor of Elections and Senate President Pro-Tempore stating, "I hope this finds you well. Seeing that there is no guideline within 739.2 suggesting a permanent resignation -- and that there is no measure from preventing the revocation of such a resignation. I am revoking the resignation I submitted earlier this campaign cycle." At present, Petitioner seeks a backdoor

loophole back into the Student Senate now that Petitioner's party has gained majority control of the Senate.

III. Analysis

In 2018, the State of Florida enacted the present form of Florida's Resign to Run law. *See* § 99.012, Fla. Stat. (2022). The statute provides that "[n]o officer may qualify as a candidate for another state, district, county, or municipal public office if the terms or any part thereof run concurrently with each other without resigning from the office he or she presently holds." § 99.012(3)(a), Fla. Stat. Further, the statute expressly prohibits the revocation of a resignation made pursuant to the Resign to Run Law. § 99.012(3)(b), Fla. Stat. ("The resignation is irrevocable.").

On May 31, 2022, the University of Florida Student Senate passed SSB 2022-1009, also known as the Resign to Run Act. Codified in the 700 codes, the legislation provided that, "[n]o person may qualify as a candidate for more than one elected student government office, whether legislative or executive, if the terms or any part thereof run concurrently with each other without resigning from the office they presently hold." SBS 739.0. Further, the legislation stated that "[t]he resignation must be effective immediately upon the validation of the election results for the general election in which the candidate in question is running." SBS 739.2. The key language that this Court focuses on is not what was included in the legislation, but rather what was questionably left out: "The resignation is irrevocable." The Court notes that the language in the Student Body Statutes mirrors the language in the Florida Statutes but for the key language dealing with whether a resignation is revocable. And that is just what Petitioner brings before this Court.

Petitioner begins her argument by stating that it is "well-established that an elected official may ordinarily withdraw a resignation at any point before it takes effect." Petition 3, *In re Resign to Run*. Petitioner supports this allegation with an outdated and wholly irrelevant 1988 Advisory Legal Opinion of the Florida Attorney General. While the Court appreciates Petitioner's attempt at supporting her argument with legal opinions, Petitioner fails to consider that the 1988 Advisory Legal Opinion came decades before Florida's Resign to Run Act. At oral argument, Petitioner had no response when questioned by Justice Runyan on the applicability of the legal opinion given its almost comically outdated publication date of 1988. Petitioner presented the Court with no other supporting legal opinions or judicial opinions. As such, the Court moves on to Petitioner's two central arguments.

A. Student Body Statutes 739.0's Applicability to Petitioner

First, Petitioner alleges that Student Body Statute 739.0 does not apply to her because Petitioner was not a candidate for two elected student government offices simultaneously. SBS 739.0 provides that "[n]o person may qualify as a candidate for more than one elected student government office, whether legislative or executive, if the terms or any part thereof run concurrently with each other without resigning from the office they presently hold." The Court is perplexed by the wording of this statute. For starters, it appears that the drafters of the Resign to Run questionably combined sections 99.012(2) and 99.012(3) instead of simply taking section 99.012(3) and adapting it to the University of Florida Student Government. Second, the Court is confounded as to how the current iteration of SBS 739.0 could even apply to any students. Further,

when asked during oral argument, Petitioner could not provide a single example in which SBS 739.0 could apply. Breaking down SBS 739.0, the statute could only apply if a student held an elected office and somehow qualified as a candidate for two or more elected student government offices. Under this scenario, that student would be forced to resign from its current elected office, but the statute would not require the candidate to not campaign for both offices the student is currently qualified for election. If this scenario confuses you, it is because the statute does not make sense as drafted. The Court is left in awe at this major error in the Resign to Run Act. It is clear to the Court that what the drafters intended was that if an elected student government officer intends to run for another elected student government office, that student must resign their current seat.

The Court cannot possibly understand how the Senate intended SBS 739.0 to apply. As such, the Court is of the belief that the Student Senate made a fatal error when it failed to draft the Resign to Run Act in a way it could apply to the University of Florida Student Government. Accordingly, the Court holds that SBS 739.0 applies to *officers* seeking election to another elected student government office.

B. Revocation of Resignation

Second, Petitioner argues, in the alternative, that even if the Resign to Run Act does apply to Petitioner, the Act does not prohibit rescinding or revoking a resignation if the student government official does not win the election. For the reasons provided below, this Court finds that SBS 739.0 is ambiguous, and as such, holds that a resignation under the Resign to Run Act is irrevocable.

The Court finds that the Student Body Statutes are undoubtedly ambiguous. Petitioner even goes so far as to admit during oral argument that there is no clear answer to her question in statute. It is well established in Florida law that if the language of a statute is ambiguous, a court must resort to traditional rules of statutory construction to determine legislative intent. *Atwater v. Kortum*, 95 So. 3d 85 (Fla. 2012). Because the Student Body Statutes at hand are unclear, this Court turned to the legislative history of the Resign to Run Act to determine the Student Senate's intent.

On April 3, 2022, Judiciary Committee Vice Chairman Sean Harkins introduced the Resign to Run Act before the Judiciary Committee. Vice Chair Harkins stated that the goal of the legislation was to "align the 700 codes with Florida law." Judiciary Committee Meeting Minutes, April 3, 2022. Harkins further provided that, "if [elected officials] choose to run for another office while currently holding one, they must conditionally resign from their current office." *Id.* Harkins provided that the purpose of the Resign to Run law was that "commitment is important when holding an office, and if an official attempts to run for another they have to formally resign from the original commitment." *Id.* There were no questions by present Senators, there was no debate by present Senators, and the bill was approved without objection.

Next, on April 5, 2022, Judiciary Chairman John Brinkman, during public comment at a meeting of the Student Senate, provided a comprehensive explanation of the Resign to Run Act to the full Senate. Brinkman repeated Harkins' line that the Resign to Run Act would "put the UF Senate more in line with official rules by Florida State government." Student Senate Minutes, April 5, 2022. Brinkman directed Senators to the Florida Statutes, specifically section 99.012(3)(a)–(c). *Id.*

As mentioned above, section 99.012(3)(b), Fla. Stat. provides that "resignation is irrevocable." Brinkman argued that "when someone runs to hold a Senate seat, they make an implicit contract to be the elected representative for the constituent that voted them in for a year." Student Senate Minutes, April 5, 2022. "If they hold another position, they break that implicit contract with the voter that put them into office in the first place." *Id.* "The individual must fully commit themselves to the new position and let their position get filled by another individual." *Id.* The legislation was approved with no questions by Senators, no debate by Senators, and no amendments by Senators. *See id.*

For reasons not relevant to this Petition and Opinion, on May 29, 2022, the Judiciary Committee re-heard the Resign to Run Act. What has become a similar theme, there were no questions by Senators, there was no substantive debate by Senators, and there were no amendments by Senators. *See* Judiciary Committee Meeting Minutes, May, 29, 2022. The legislation was subsequently approved by the Judiciary Committee. On May 31, 2022, the full Senate re-heard the Resign to Run Act and passed the legislation by a voice vote. Student Senate Minutes, May, 31, 2022. And once again, holding true to that all too similar theme, there were no questions by Senators, no debate by Senators, and no amendments by Senators.

Taking into consideration the entire history of the Resign to Run Act, which is much more comprehensive than most legislation given the fact it was heard in committee and approved by the Senate twice, this Court finds that the clear intent of the Senate was to mimic Florida's Resign to Run law in all relevant and material respects. As such, the Court further holds that the Senate was put on notice that the Resign to Run Act was intended to prevent an officer that resigns its seat to run for a new office from revoking such a resignation after losing the election. This finding is clearly evidenced by Chair Brinkman's direction of the Senate to section 99.012(3)(b) of the Florida Statutes. ("The resignation is irrevocable."). The Senate was put on notice that its own Resign to Run Act would force a sitting Student Senator to resign before running for Student Body President.

Finally, the Court would like to take this moment to publicly express its frustration with the Student Senate. The Court is wholly underwhelmed by the work of Student Senators at a Top 5 Public University. If the Senate wishes to pass meaningful legislation that would "put the UF Senate more in line with official rules by Florida State government," *see* commentary by Chairman John Brinkman, Student Senate Minutes, April 5, 2022, this Court recommends the Senate consider making use of the copy and paste feature on their computers.

IV. Conclusion

THEREFORE, this Court finds that (1) the Resign to Run Act applies to officers seeking election to another office, and (2) resignation under the Resign to Run Act is irrevocable.

IT IS SO ORDERED.

WIELE, C.J., NEERANJAN, J., and RUNYAN, J. concur.

VAN DE BOGART, J., with whom WIELE, C.J., NEERANJAN, J., and RUNYAN, J. join, delivers a concurring opinion.

Limiting my analysis to the text, I agree with the Majority's holding that (1) the Resign to Run Act applies to officers seeking election to another office and (2) resignation under the Resign to Run Act is irrevocable.

When a resignation is submitted, the Student Government Officer retires or gives up their position. Based on the plain language of the Resign to Run Act (Student Body Statute 739.0–739.4), just because the legislation does not include language that resignation is "irrevocable" does not mean it is revocable.

UNIVERSITY OF FLORIDA SUPREME COURT
Heard and Decided April 10, 2023

In re: Senate Leadership Elections

WIELE, C.J. delivers the order.

PRELIMINARY INJUNCTIVE ORDER

THIS ACTION came before the Court on a petition for a temporary injunction. The Court has found cause to enter an injunction.

PROHIBITED ACTIVITIES

IT IS HEREBY ORDERED that the University of Florida Student Government Senate shall be enjoined from holding a meeting—regular, special, or virtual—of the UF Student Government Senate, or any of its committees, until further order of the Court.

MEDIATION ORDER

IT IS FURTHER ORDERED that the leadership of the Change Caucus and the Gator Caucus of the UF Student Government Senate shall meet by **Friday, April 14th, 2023 at 5:00 pm** to come to an agreement by which the Senate shall move beyond the present gridlock in a manner that provides appropriate representation of the student body. Once the Agreement is finalized and signed by the leadership of both parties, it shall be sent via electronic mail to the Chief Justice of the University of Florida Supreme Court and the four Associate Justices at which point the Supreme Court will lift this Temporary Injunctive Order.

RETENTION OF JURISDICTION

IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for all purposes.

IT IS SO ORDERED.

NEERANJAN, J., ALLEN, J., RUNYAN, J., and VAN DE BOGART, J. concur.

UNIVERSITY OF FLORIDA SUPREME COURT
Heard and Decided April 10, 2023

In re: Senate Leadership Elections on April 4, 2023

Thursday, April 13, 2023, 1:30 PM

This action came before the Court on a request that the Court (i) declare the election results of the April 4, 2023 leadership election as invalid, (ii) order the members of the Replacement and Agenda committee to meet and hold interviews for vacant seats, (iii) challenge the legislature to live up to its representative capacity and (iv) issue a temporary injunction enjoining future meetings of the Senate pending the outcome of the case. This Court issued a temporary injunction enjoining future meetings of the Senate or its committees until the leadership of both parties were able to come together and present the Court with a signed agreement manifesting a path towards the Senate resuming its ordinary duties. On Thursday, April 13, 2023 at 11:00 AM Majority Party Leader Evan Rafanan emailed such a plan to the Court (Attachment A). This Court is very impressed with timeliness of the Parities' resolution and their outline detailing the allocation of Senate leadership positions and committee spots. As such, the Court hereby withdraws its injunctive order. The Court will retain jurisdiction until an opinion can be issued on this matter.

It is so ordered.

WIELE, C.J., NEERANJAN, J., ALLEN, J., RUNYAN, J., VAN DE BOGART, J., concur.

Attachment A

STUDENT SENATE OF THE UNIVERSITY OF FLORIDA
"Injunction Adjournment Terms and Agreements (IATA)"

WHEREAS, The University of Florida Supreme Court Ordered the University of Florida Student Senate to meet before Friday, April 14, 2023.

WHEREAS, The University of Florida Supreme Court placed a temporary injunction on the Student Senate that prohibited the Student Senate from holding committee meetings and meetings—regular, special, or virtual—until further order of the court.

THEREFORE, LET IT BE RESOLVED that the leadership of both parties have come to an agreement in a manner that provides appropriate representation of the student body;

THEREFORE, LET IT FURTHER BE RESOLVED THAT the leadership of both parties agree to the following:

1. Senate leadership elections will occur on April 18, 2023, with no delay; and,
2. Oscar Santiago Perez will be elected with the support of both caucuses to be the Senate President of the University of Florida Student Senate; and,
3. Nathan McGinnis will be elected with the support of both caucuses to be the Senate President Pro-Tempore of the University of Florida Student Senate; and,
4. Two Members-at-Large will be elected from the Gator Caucus with the support of both caucuses.

THEREFORE, LET IT FURTHER BE RESOLVED THAT the following statements with Committees will be agreed to:

1. Judiciary Committee: The Chair will be the most qualified Change Caucus Member; and,
2. Budget & Appropriations Committee: The Chair will be the most qualified Gator Caucus Member; and,
3. Rules & Ethics Committee: The Chair will be the most qualified Gator Caucus Member; and,
4. Information and Communication Committee: The Chair will be the most Gator Caucus Member; and,
5. Three Budget and Appropriations Committee Seats will be approved on April 18, 2023: two seats will be given to the most qualified members of the Gator Caucus, and one seat will be given to the most qualified member of the Change Caucus.
6. The Budget and Appropriations Committee, by the third Replacement & Agenda Committee meeting of Summer 2023, will have four members from the Change Caucus and four members from the Gator Caucus.
7. Rule XVII of the Rules & Procedures will be addressed before the end of Summer B semester.

IN CONCLUSION, LET IT FINALLY BE RESOLVED THAT Change Caucus Leader Evan Rafanan and Gator Caucus Leader Santiago Alvarez will sign to abide by the terms listed above.

Evan Rafanan
Change Party Leader
13 April 2023

Santiago Alvarez
Gator Party Leader
13 April 2023

UNIVERSITY OF FLORIDA SUPREME COURT
Heard and Decided April 23, 2023

In re: "Five Criteria Definition"

NEERANJAN, J. delivers the opinion of the Court.

Petitioner Oscar Santiago Perez ("Petitioner") requests that this Court interpret Rule XI Section 3(c)(ii) of the Rules and Procedures of the Student Senate, which outlines the Five Criteria the Judiciary Committee applies when reviewing proposed legislation, and establish a standard of review for "implication" and "clarity" under the rule.

I. Jurisdiction

Petitioner alleges jurisdiction under Article V Section 3(b)(1) of the University of Florida Student Body Constitution, providing that "[t]he Supreme Court shall interpret any provision of the constitution or any law upon written petition of twenty members of the Student Body; or request of the Student Body President." Petitioner requests interpretation of one of the provisions pertaining to the Judiciary Committee within the Senate Rules, and presented to the Court a written petition with the required number of signatures from the Student Body. Accordingly, this Court has jurisdiction.

II. Background

Rule XI Section 3(c)(ii) of the Rules and Procedures of the Student Senate reads: "[t]he Judiciary Committee will review legislation as to its constitutionality, implication, legality, format, and clarity, and may submit to the Senate amendments to legislation reviewed by the committee." Petitioner expresses concern that the "implication" and "clarity" criteria lack a clear definition, are subjective in nature, and thus enable the Judiciary Committee to make arbitrary determinations for approving or failing legislation.

III. Analysis

This Court has previously held that "certain political and discretionary zones exist outside this Court's province.[1]" Such a zone is at issue here. Petitioner's request requires that members of the Court supplant our analysis for the decision-making abilities of the legislature's elected officials. Much like the way the "Senate President is entrusted to use their independent reasoning to apply the definition of a dilatory motion when deciding whether or not to rule a motion as such," the Judiciary Committee, as an elected body, is entrusted with using their own critical thinking skills to apply the Five Criteria enumerated in the Rules.[2] Should the Petitioner challenge the Judiciary Committee's application of the Five Criteria to review of particular legislation, the Court can review under the arbitrary and capricious standard.[3] However, Petitioner has proffered no such challenge here.

IV. Conclusion

THEREFORE, the Court DENIES Petitioner's requested relief. IT IS SO ORDERED.

WIELE, C.J., ALLEN, J., RUNYAN, J., and VAN DE BOGART, J. concurring.

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[1] *In re: "Application of the Five Criteria to a Proposed Authorization"* October 26, 2022; *In re: "Petition Regarding Whether the UF Supreme Court Can Interpret Senate Rules and Procedures"* January 11, 2018.
[2] *In re: "Dilatory Motions"* October 19. 2022.
[3] *In re: "Application of the Five Criteria to a Proposed Authorization"* October 19. 2022.

UNIVERSITY OF FLORIDA SUPREME COURT
Heard and Decided April 23, 2023

Stephens et al. v. Ghozali

VAN DE BOGART, J. delivers the opinion of the Court.

Before the Court comes an interpretation question of a Rules and Procedures of the Student Senate (the "Senate Rules") that is clear and unambiguous on its face based on plain language. The petitioners requested that this Court "[e]stablish whether or not Committee Chairs have the abilities to execute duties delegated to a committee without the approval of committees." Under the jurisdiction cited by the petitioner, the Court instead interprets the Senate Rule the petitioner relies on in its request for relief: Rule XI, Section 5(b)(ii). This Court finds that Rule XI, Section 5(b)(ii) of the Senate Rules is clear and unambiguous on its face that the Information and Communication Committee will organize the Senate retreat, rather than the Committee Chair in their sole capacity.

I. Jurisdiction

Article V, Section 3(b)(1)(A) of the University of Florida Student Body Constitution ("Constitution") states that "[The Supreme Court shall interpret any provision of the constitution or any law upon written] petition of twenty members of the Student Body." In the present case, the twenty signatures prescribed under the "Signatures of Petitioners" section of the petition meet the requirement for jurisdiction under Article V, Section 3(b)(1)(A) of the Constitution for the Court to interpret Rule XI, Section 5(b)(ii) of the Senate Rules. Notably, "provision" is singular, and this Court will interpret Rule XI, Section 5(b)(ii) as the specific provision of the Senate Rules.

II. Background

Rule XI, Section 5(b)(ii) of the Senate Rules states, "The Information and Communication Committee will organize at least one Senate retreat during the fall, spring, and summer Senate semesters." The Committee Chair scheduled the Spring 2023 Senate retreat for Monday, March 10. The assumed fact exists that the Information and Communication Committee Chair acted within their sole capacity to schedule the retreat since the Information and Communications Committee had not met during the Spring semester yet when the Committee Chair scheduled the retreat. The petitioners asked this Court whether the act of the Committee Chair was proper under Rule XI, Section 5(b)(ii), given the assumed fact.

III. Analysis

The word "Committee" refers to the Committee as a whole. On the other hand, the words "Committee Chair" refer to the sole person who holds the position. Rule XI, Section 5(b)(ii) puts the power and duty to schedule the Senate retreat within that of the Committee, not the Committee Chair alone.

IV. Conclusion

THEREFORE, this Court holds that it is the duty of the Information and Communications Committee, and not the Committee Chair in their sole capacity, to organize the Senate retreat.

It is so ordered.

WIELE, C.J., NEERANJAN, J., ALLEN, J., and RUNYAN, J., concurring.

UNIVERSITY OF FLORIDA SUPREME COURT
Heard and Decided on April 23, 2023

Students for Fair Representation v. Halle

RUNYAN, J. delivers the opinion of the Court.

Twenty members of the student body ("Petitioners") request this Court to first interpret Article I, Section 2(a), and Article III, Sections 2(a) and 3 of the UF Constitution in determining the constitutionality of Student Senate Bill 2022-1035 (apportioning Student Senate seats for each off-campus district for the Fall 2023 election). Accordingly, the Court finds Student Senate Bill 2022-1035 unconstitutional. Second, Petitioner requests this Court to order the Student Senate to adopt Petitioner's proposed remedial apportionment of seats for the Fall 2023 Student Senate election. The Court denies this request.

I. Jurisdiction

As to Petitioners' first request, jurisdiction is granted under Article V § 3(b)(1)(a) of the UF Constitution, which states that "[t]he Supreme Court shall interpret any provision of the constitution or law upon written petition of twenty members of the Student Body." As to Petitioners' second request, jurisdiction is granted under Article V Section 3(b)(2) of the UF Constitution ("Constitution"), providing that "[t]he Supreme Court shall, upon written petition of any member of the Student Body and for good cause shown, order any Student Government official or any officer of a student organization that receives Student Body funds to perform any lawful act or refrain or desist from an unlawful act."

II. Discussion

Petitioners argue the unconstitutionality of the apportionment of off-campus seats in Student Senate Bill 2022-1035 because the seats are disproportionate to the student body population in each district, as allegedly demonstrated by "Student Population Data" from the Office of the University Registrar (Exh. A). The current apportionment, Petitioners argue, violates Article III, Section 2(a) of the UF Constitution (" . . . the Student Senate shall apportion seats on the basis of population as nearly equal as practicable . . . .") and the "one person, one vote" principle established under federal law. Petitioners argue that such injury to voters may be remedied by Petitioners' proposed apportionment of seats and requests the Court to order the Senate to adopt the proposed remedy.

Jonathan C. Stevens ("Counterpetitioner") argues Petitioners' request is not yet ripe for judicial review. We disagree as to Petitioners' justiciability argument, given that the Student Senate Bill 2022-1035 passed in Senate and took effect as law, establishing apportionment for the upcoming election and providing a basis for which the Court may exercise its jurisdiction.

In the alternative, Counterpetitioner argues that the matter of reapportionment is better left to the Senate. To some extent, the Court agrees, as discussed below. Counterpetitioner requests this Court to order the Senate "to review apportionment under the 5 Criteria expected of all legislation that is reviewed by the Senate Judiciary Committee." We decline to do so. Further,

Counterpetitioner argues that it is unconstitutional for the Court to order the Student Senate to adopt remedial apportionment of off-campus districts by presenting an unauthenticated Excel spreadsheet allegedly derivative of a public information request for "the data used for the Student Senate Reapportionment Act of 2023." Such Excel spreadsheet serves as Counterpetitioner' grounds for the argument that Petitioners' proposed remedial apportionment does not accurately represent an equal population distribution among off-campus students. The Court need not address this argument given its resolution below.

The Court agrees with Petitioners as to the unconstitutionality of the apportionment of off-campus seats provided by Student Senate Bill 2022-1035. As both Petitioner and Counterpetition agree, it is obvious that the current apportionment of off-campus seats fails to accurately represent the proportion of Students residing in District A, thereby violating Article III, Section 2(a) of the UF Constitution (" . . . the Student Senate shall apportion seats on the basis of population as nearly equal as practicable . . . ."). As such, Student Senate Bill 2022-1035 is deemed unconstitutional and shall not be effectuated for the Fall 2023 Student Senate election.

The Court declines, however, to order the adoption of Petitioners' proposed remedial apportionment of off-campus seats. The unauthenticated data provided by both Petitioner and Counterpetitioner as to the population of students in each off-campus district gives the Court pause in drawing any conclusions as the constitutionality of Petitioners' proposed remedial apportionment. Regardless, the Court is not a legislative body, and as such, need not step into the shoes of the legislator to craft a constitutional, remedial apportionment of off-campus seats. The interest of the Student Body is better protected by its elected Senators, who are obligated under the Article III, Section 3 of the UF Constitution to ". . . determine the number of senators per class within the constitutional limits . . . ." As such, this Court order the Student Senate to "apportion seats on the basis of population as nearly equal as practicable . . . ." for the upcoming Fall 2023 election, in compliance with Article III, Section 2(a) of the UF Constitution.

III. Conclusion

THEREFORE, this Court deems Student Senate Bill 2022-1035 unconstitutional. The Court **DENIES** Petitioners' requested relief and **ORDERS** the Student Senate to apportion seats in compliance with Article III, Section 2(a) of the UF Constitution, as soon as reasonably practicable before the Fall 2023 Election.

It is so ordered.

WIELE, C.J., NEERANJAN, J., ALLEN, J., VAN DE BOGART, J., concur.