



University of Florida Student Body Constitution

Submitted by: David M. Kerner, Chairman
2009-2010 Constitution Revision Commission

On Behalf of the Full Commission

Adopted by the University of Florida
Student Body on February 24th, 2010



CONSTITUTION OF THE STUDENT BODY
OF THE UNIVERSITY OF FLORIDA

We, the Student Body of the University of Florida, in order:

- Represent and defend the rights and interests of students to the university, the community, and government;
- Provide a forum for the expressions of student views and interests;
- Promote the academic freedom and responsibility and high standards of education;
- Provide services and organize events for the benefit of students; and
- Help promote understanding and recognition of the responsibilities of students to the university, the community, and humanity,

Do hereby establish this Constitution.

ARTICLE I
DECLARATION OF RIGHTS AND RESPONSIBILITIES

Section 1. Political power.—All political power granted by authorities authorized under the constitution, laws, and regulations of the State of Florida is inherent in the Student Body.

Section 2. Basic rights.—Every student is guaranteed certain rights under the constitutions and laws of the United States and State of Florida. Student Government recognizes these rights.

Additionally students are guaranteed:

- (a) The right to vote in Student Government elections.
- (b) The right to submit initiatives and referendums for ratification by the electorate.
- (c) The right to recall and remove.
- (d) The right to address Student Government officials at regularly scheduled times and places.

Section 3. Honor Code.—All Students are bound by the Honor Code and shall be held accountable to it. The Honor Code states:

We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honesty and integrity.

Section 4. Discrimination Prohibited.--- Student Government nor any organization that receives funds shall not discriminate on the basis of race, creed, color, religion, age, disability, sex, sexual orientation, gender identity and expression, marital status, national origin, political opinions or affiliations, veteran status or any other classification as provided by law.

**ARTICLE II
GENERAL PROVISIONS**

Section 1. Student Body.—Every student is a member of the Student Body and shall be subject to the constitution and laws of the Student Body.

Section 2. Student government.—Student Government governs and represents the Student Body. Its actions not otherwise limited by Student body law supersede those of all other student organizations.

Section 3. Student Government Officials- All Student Government officials shall be students.

Section 4. Branches of government.—

Student Government shall be divided into a Legislative, an Executive, and a Judicial branch.

A. Exercise of Powers. No person belonging to one branch shall exercise any powers appertaining to either of the other branches unless expressly provided by the constitution.

B. Exclusionary of Powers. The Student Senate may provide by Student Body law for Student Government offices considered exclusionary, but the following positions shall always be exclusionary: Student Body President, Student Body Vice President, Student Body Treasurer, Supervisor of Elections, Principal Heads of Cabinet or Agencies agency heads, and cabinet directors for the executive branch; Student Senator, and all Student Government offices of the Judicial Branch, including that of Justice of the Student Supreme Court.

Accepting an exclusionary position while holding another exclusionary position constitutes automatic resignation from the former office.

C. Offices Explicitly Non-exclusionary. Nothing in this Constitution shall be construed to prohibit any student from holding an exclusionary office and simultaneously holding as a

member of the Constitution Revision Commission, a member of an independent body having only advisory powers created by Student Body Statutes, or a member of a committee or commission created by the Student Body President.

Section 5. Satellite campuses.—The Student Senate may, by law, provide for governing organizations at satellite campuses.

ARTICLE III LEGISLATIVE BRANCH

Section 1. Legislative powers.—All legislative powers of the Student Body shall be vested in a Student Senate.

Section 2 Composition.—The Student Senate shall be composed of:

(a) FALL CLASS.—Forty to sixty members elected in the fall general election as apportioned by law from on-campus area governments as defined by law and from off-campus areas as defined by law. The Student Senate shall apportion senate seats on the basis of population as nearly equal as practicable, provided that each on-campus area government as defined by law shall receive a minimum of one seat, and all family housing residences together shall receive a minimum of one seat. Transferring from a living area, except when the transfer is unavoidable by the temporary closing of a student senator's residence, shall constitute de jure resignation. The transfer prohibition shall not be effective from the end of the spring academic term until the fall general election.

(b) SPRING CLASS.—Forty to sixty members elected in the spring general election from the colleges and independent schools recognized by the Student Senate as apportioned by law. Students classified as freshmen, sophomores, and graduates shall each be considered a college within the meaning of this section. The Student Senate shall apportion senate seats on the basis of enrollment in each college or independent school as nearly equal as practicable, provided that each college and independent school shall receive a minimum of one seat. Transferring from a college or independent school, with the exception of the freshmen and sophomore classifications, shall constitute de jure resignation.

Section 3. Apportionment.—The Student Senate shall reapportion itself once per year during the fall academic term to be effective for the spring academic term and subsequent fall academic term. The Student Senate shall determine the number of senators per class within the constitutional limits, provided that the spring and fall classes must have the same number of

senators during each apportionment year.

Section 4. Student Senate during the summer term.—

The Student Senate during the summer term shall have the same authority as it does during the fall and spring terms. A Student Senator who will not attend the summer academic term, or any portion of the term may nominate a Summer Replacement Senator, subject to confirmation by the Student Senate on the first day of every May. The summer replacement senator shall serve only during the summer academic term, or designated portion of the term. The student senator resumes office upon return to the university.

Section 5. Officers of the Student Senate There shall be a Student Senate President who shall act as the chief administrative officer of the legislative branch and presiding officer of the Student Senate and a Student Senate Pro Tempore who shall assist the Student Senate President in the performance of his/her duties. The Student Senate President and the Student Senate President Pro Tempore shall be elected by the Senate from among its members according to its Rules and Procedures.

Section 6. Powers of the Student Senate.—The Student Senate shall have the power to:

- (a) determine its rules of procedures;
- (b) compel the attendance of absent members;
- (c) censure or expel a member by a two-thirds vote of the membership, provided the affected student senator has received prior written notice;
- (d) determine the time and place of its meetings, provided that it meets once every two school weeks;
- (e) provide for the elections of the Student Body and be the sole judge of the validity of election results;
- (f) decide all tie elections at its first meeting following validation;
- (g) provide for the replacement of its members upon a vacancy in office;
- (h) approve appointments and recommendations of the student body president to Student Government administrative agencies and university committees;
- (i) contract on behalf of the Student Body, provided the contract is executed as a Student Body law;
- (j) provide for the control and disbursement of Student Body funds;
- (k) require information and appearance from any Student Government official or officer of any organization receiving Student Body funds;
- (l) approve, by resolution, affiliations between Student Government and any university, regional, or national organization;

(m) enact all laws necessary and proper for the general well being of the Student Body; and

(n) exercise any other power or duty provided for in the constitution or laws of the Student Body.

Section 7. Prohibitions.—The Student Senate shall not:

(a) enact any law that abridges its powers delegated by the constitution;

(b) appropriate funds for a period of more than one year;

(c) increase or decrease a Student Government official's salary, except as specifically detailed in section 9 of this article;

(d) infringe the secrecy of the ballot in any Student Body election;

(e) deny speaking privileges in the Student Senate to the student body president, student body vice president, student body treasurer, cabinet directors, agency heads, chief justice or any justice of the supreme court, or any university administrative officer or college dean;

(f) meet in a closed session;

(g) conduct any vote by secret ballot;

(h) change the dates of Student Body elections in the nine weeks before the scheduled election;

(i) change the election laws during the five weeks before the scheduled election to be effective for that election; or

(j) enact any law embracing more than one subject and matter properly connected to that subject.

Section 8. Procedures.—

(a) No bill shall become law unless a student senator introduces the bill, the bill is read, and passes by majority vote during two meetings of the Student Senate.

(b) No bill shall become law without the signature of the student body president, except when the student body president has not vetoed the bill within ten days after presentment, in which case the bill shall become law.

(c) The student body president may veto a proposed law. The student body president must notify the senate president in writing detailing the reasons for the veto.

(d) The university president or the university president's designee may veto a proposed law. The student body president must notify the senate president in writing no later than ten days after receiving the veto stating the reasons for the university president's veto.

(e) The Treasurer of the Student Body shall have veto equal with that of the President of the Student Body in all matters concerning Budget approval and revisions to said budget. The Treasurer of the Student Body shall have exclusive veto in matters concerning appropriations from Special Request Funds.

(f) Any Bill which the President of the Student Body and the Treasurer of the Student Body shall choose to veto, shall be considered as having been vetoed once.

(g) A vetoed bill may be enacted notwithstanding the veto of the President or Treasurer of the Student Body if it is read a third time in full and passed by a two-thirds vote of the members of the Student Senate present and voting at a regular meeting.

(h) Quorum necessary to conduct business shall be a majority of the total membership of the Student Senate; however, a lesser number, as determined by the Student Senate's rules of procedure, may compel the attendance of absent members.

(i) Legislation of the Student Senate shall only be classified as a(n):

(1) bill of law which is subject to veto;

(2) primary or subsidiary budgets, of which all budgets shall be considered bills of law and subject to veto as described in this section;

(3) special request authorization - an appropriation from special request funds requiring a two-thirds vote for enactment subject to veto as described in this section;

(4) authorization - a directive requiring a two-thirds vote for enactment that advises, orders, or prescribes the method for an officer to fulfill a duty provided for in the constitution and is not subject to veto;

(5) resolution - an expression of the sentiment of the Student Senate requiring a two-thirds vote for passage and not subject to veto.

Section 9. Budget Restrictions.-

(a) FUNDING FEE INCREASE.-A total appropriation made by the primary budget that requires a percentage increase of the funding fee in the next year over the current year that is greater than the percentage increase of the base tuition of the state university system authorized by state law in the current year over the previous year shall require a three-fifths vote of the Student Senate for enactment and a three-fourths vote to override a veto, issued by the student body president or student body treasurer.

(b) COST OF LIVING ADJUSTMENTS.-All student body officials' salaries shall receive the same cost of living adjustment granted to state employees and shall be effective on the same date the state legislature designates for state employees.

(c) STUDENT BODY OFFICIALS' SALARIES. - Except for cost of living adjustments, a student body official's salary may be altered only as a budgeted item that is prospectively effective the next fiscal year provided that six months has elapsed since the alteration in salary and upon a two-thirds vote of the following:

(1) electorate upon an initiative submitted by the students dedicated exclusively to the salary question for a specific student body official; or

(2) Student Senate in a vote dedicated exclusively to the salary question for a specific student body official.

Article IV: Executive Branch

Section 1. Executive Power.—All executive powers of the Student Body shall be vested in a Student Body President, Student Body Vice President, and Student Body Treasurer.

Section 2. Election.—The Student Body President, Student Body Vice President, and Student Body Treasurer shall be chosen in the spring general election by a majority of the Student Body voting in the election, and shall serve for one-year terms as provided for by Student Body law. The Student Body President and Student Body Vice President shall be elected jointly, and the Student Body Treasurer shall be elected separately. In the event that no candidate receives a majority, there shall be a run-off as provided for by Student Body law.

Section 3. Vacancy in Executive Offices.—Upon vacancy in the office of Student Body President, the Student Body Vice President shall become Student Body President. Further succession to the office of Student Body President and succession upon vacancy in the offices of Student Body Vice President and Student Body Treasurer shall be prescribed by law. A successor shall serve for the remainder of the term.

Section 4. Powers of the Student Body President.—The Student Body President shall:

(a) Act as the chief executive officer of the Student Body;

(b) Take care that Student Body law is faithfully executed;

(c) Have the power to veto legislation as provided for by Student Body law;

(d) Present to the Student Senate each university term a State of the Campus message;

(e) Create and appoint committees or commissions not provided in this Constitution, if deemed necessary, provided that these bodies do not contravene Student Body law;

(f) Convene special meetings of the Student Senate, if deemed necessary;

(g) Appoint aides or other officials not provided for by Student Body law, if deemed necessary; and

(h) Exercise all other powers and duties provided by Student Body law.

Section 5. Executive departments.—Executive departments may be established by Student Body law, with the head of each department to be appointed by the Student Body President and confirmed with at least a concurrence of a majority of the Student Senate. Officers of the executive departments shall be responsible to the Student Body President for the execution of their duties and shall be subject to removal by the Student Body President. The heads of the executive departments may appoint subordinate aides or other officials not provided for by Student Body law, if deemed necessary.

Section 6. Cabinet.—There shall be a Cabinet, consisting of the heads of the executive departments and other Student Government officials that the Student Senate shall provide by law to be Cabinet-level.

Section 7. Powers of the Student Body Vice President.—The Student Body Vice President shall:

- (a) Assist the Student Body President in the conduct of government;
- (b) Exercise the powers and duties of the Student Body President in his/her absence;
- (c) Appoint aides or other officials not provided for by Student Body law, if deemed necessary; and
- (d) Exercise all other powers and duties provided by Student Body law.

Section 8. Powers of the Student Body Treasurer.—The Student Body Treasurer shall:

- (a) Act as the chief financial officer of the Student Body;
- (b) Keep complete and accurate accounts of all Student Body funds on deposit with the University Controller;
- (c) Have the power to veto legislation as provided for by Student Body law;
- (d) Sign all requisitions on Student Body funds on order of the Student Senate;
- (e) Assist the Student Body President and Student Body Vice President in the conduct of government;
- (f) Appoint aides or other officials not provided for by Student Body law, if deemed necessary; and
- (g) Exercise all other powers and duties provided by Student Body law.

ARTICLE V
JUDICIAL BRANCH

Section 1. Judicial Powers.—All judicial power of the Student Body shall be vested in the Supreme Court and such other tribunals as are established by law.

Section 2. Administration; practice and procedure.—

(a) (The Chief Justice of the Supreme Court shall be the chief administrative officer of the judicial system.

(b) The Supreme Court shall adopt its own internal rules of practice and procedure for itself.

Section 3. Supreme Court.—

(a) ORGANIZATION. - The Supreme Court shall consist of the Chief Justice and four justices. The Chief Justice shall preside over the Supreme Court. Four members shall constitute a quorum. The concurrence in judgment of three members shall be necessary for a decision. The Supreme Court shall provide in its rules of practice and procedure the process for assigning qualified law

students to temporary duty as substitutes, where recusals for cause would prohibit the Supreme Court from convening because of the requirements of this section. To be eligible to be assigned to temporary duty, a person must meet the minimal qualifications of membership on the Supreme Court. The Chief Justice shall be responsible for selecting temporary Justices and shall assign an Associate Justice this duty if the Chief Justice is subject to recusal.

(b) JURISDICTION.—The Supreme Court:

1. shall interpret any provision of the constitution or any law upon written:

- A. petition of twenty members of the Student Body; or
- B. request of the Student Body President.

2. 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.

3. shall hear appeals from tribunals established by law.

4. may issue any writ necessary to the complete exercise of its jurisdiction.

5. shall maintain a permanent election result file of every student body election.

(c) SUBPEONA POWER.— The Supreme Court shall have the power to issue subpoenas and subpoena duces tecum directed at any Student Government official or any officer of a student organization that receives Student Body funds, returnable before the Supreme Court or any tribunal it designates.

(d) ELIGIBILITY AND TENURE. - No person shall be eligible to hold the office of Chief Justice or Associate Justice of the Supreme Court unless that person has successfully completed or is currently enrolled in a course in Evidence, has successfully completed first year writing requirements and attained a cumulative 2.50 law school grade point average. The Chief Justice and Associate Justices of the Supreme Court shall serve as long as they are members of the Student Body.

(e) VACANCY IN OFFICE.- Whenever a vacancy occurs in the office of the Chief Justice or Associate Justice of the Supreme Court, the Student Body President shall fill the vacancy by appointment, subject to a two-thirds confirmation vote by the Student Senate.

(f) CLERK AND MARSHAL.- The Chief Justice may appoint a clerk and a marshal for the Supreme Court who shall hold office during the pleasure of the Chief Justice and perform such duties as the Chief Justice directs.

ARTICLE VI ELECTIONS

Section 1. Qualifications to vote.-The Student Body, as defined by Article II Section 1, shall comprise the electorate. Each member of the electorate shall be entitled to vote in Student Body elections.

Section 2. Fall general election.-The fall general election shall occur on the Tuesday and Wednesday of the sixth week of the fall term.

Section 3. Spring general election.-The first day of the spring general election shall be the last Tuesday in February and the second day shall be the succeeding calendar day.

Section 4. Spring run-off election.-The spring run-off election shall occur on the Tuesday and Wednesday immediately after the spring general election. A conflict exists where the spring run-off election cannot be the Tuesday and Wednesday after the spring general election. All ballots cast for any person other than the authorized candidates in the run-off election shall be disqualified.

Section 5. Election conflicts.-If any hour of any day of a general or run-off election conflicts with a religious or school holiday or if any other conflict exists, the Student Senate shall, by resolution, designate different days for the affected election or elections.

Section 6. Validation of election results.—The Student Senate shall validate general and run-off elections in the next regularly scheduled senate meeting.

Section 7. Time of assuming office.—

(a) Campus wide officers elected in the spring general election in races requiring a majority vote shall assume office on the last regularly scheduled class day and shall serve one year.

(b) Student senators shall assume office at the first meeting following validation by the Student Senate.

Section 8. Qualifications for Office.—Unless a more restrictive standard is stated in the constitution, to be eligible for an office within student government, a student must have and maintain an overall 2.5 grade point average on all work attempted as a member of the Student Body and conform to all requirements imposed by the Office of Student Activities Center of Student Activities. Candidates for the offices of student body president, student body vice president, and student body treasurer shall have completed a minimum of three academic semesters, excluding summer semesters, at the University of Florida.

ARTICLE VII

IMPEACHMENT

Section 1. Persons who may be impeached.—The student body president, student body vice president, student body treasurer, President's cabinet (secretaries, Agency chairs, and executive directors), vice-president's cabinet (chair and directors), supervisor of elections, chief justice of the supreme court, justices of the supreme court, and members of a constitution revision commission may be impeached for misfeasance, malfeasance, nonfeasance, abuse of power, or conviction of a criminal offense while in office.

Section 2. Filing of impeachment resolution.—The Student Senate shall provide in its rules of procedure the definition of the filing date of an impeachment resolution, provided that a minimum of one student senator must co-file the impeachment resolution and that the affected person must receive a true copy of the impeachment resolution.

Section 3. Impeachment body.—The senate class, either the fall or spring elected and appointed senators, that has served the greater amount of time on the filing date of an impeachment resolution shall be the body that impeaches. The Student Senate president shall preside over the impeachment body and may vote if the Student Senate president is a

member of that senate class. A two-thirds vote of the membership of the impeachment body shall be required in order to impeach.

Section 4. Suspension upon impeachment.—A person impeached by the impeachment body shall be suspended from office until acquitted or found guilty by the trial body. The student body president, unless impeached, may, by appointment, fill the office until completion of the trial. If the student body president is impeached, the student body vice president shall act as president.

Section 5. Trial body.—All impeachments by the impeachment body shall be tried by the trial body which shall be the senate class that has served the least amount of time on the filing date of an impeachment resolution. The chief justice of the supreme court shall preside unless a member of the judiciary is being impeached, in which event the student body president shall preside. The presiding officer shall have no vote. A three-fourths vote of the membership of the trial body shall be required for conviction.

Section 6. Effect of conviction.—Judgment of conviction in cases of impeachment shall remove the offender from office and, at the discretion of the trial body, may include disqualification to hold any elected or appointed Student Government office in the future. Conviction or acquittal shall not affect the civil or criminal responsibility of the person.

ARTICLE VIII AMENDMENTS

Section 1. Proposal by the Student Senate.—The Student Senate may propose amendments to the constitution by a two-thirds vote in two regular meetings occurring not later than twenty-eight days before the ratification election. Each amendment proposed shall embrace only one subject and matter directly connected to that subject.

Section 2. Proposal by initiative.—Students may propose amendments to the constitution upon a submission of a petition to the Chief Justice of the Supreme Court joined by ten percent of the electorate not later than twenty-eight days before the ratification election. Each amendment proposed shall embrace only one subject and matter directly connected to that subject.

Section 3. Proposal by revision commission.—

(a) During January of 2019, and each tenth year thereafter, there shall be established a constitution revision commission composed of the following twenty members:

(1) six students selected by the student body president, of which one selectee shall not have held a position within Student Government during the previous two years;

(2) six students selected by the Student Senate president and approved by a two-thirds vote of the Student Senate. Four of these selectees must be student senators, of which, one must be a resident of a residence hall or family housing one must be a member of a minority party or independently affiliated student senator, if any so qualify, and one must be a graduate student;

(3) three students selected by the chief justice of the supreme court, of which two must be law students;

(4) the supervisor of elections;

(5) the Director of Student Activities and Involvement; and

(6) one student and two members of the faculty or staff selected by the Director of Student Activities and Involvement.

(b) The student body president shall designate one member of the constitution revision commission as its chair. Vacancies occurring on the commission shall be filled by appointment by the chair from the same constituency as the original member.

(c) Each constitution revision commission shall convene at the call of its chair, adopt its rules of procedure, and hold public hearings regarding the constitution. The commission shall submit its proposed amendments to the supervisor of elections not later than twenty-eight days before the ratification election in the year ending in "0." Amendments may be to the whole document or any of its articles, sections, or provisions.

(d) Membership restrictions shall only be required on the day of appointment.

(e) Once appointed, the appointing authority may not rescind the appointment.

Section 4. Requirement for ratification.—A three-fifths approval vote of those voting in the spring general election is necessary to ratify all constitutional amendments. Unless otherwise specified in the amendment, a ratified amendment shall be effective at 8:00 p.m. on the first day of May following the spring general election.

Section 5. Publication requirement.—The text of all amendments and the ballot summary shall be published in a campus-wide print media publication one week before and on both days of the election.

Article IX
MISCELLANEOUS

Section 1. Rules of construction.—Unless otherwise qualified in the text, the following rules of construction shall apply to the constitution:

(a) references to a specific university department or position shall also include the successor department or position;

(b) in situations where different provisions of this constitution conflict, the more specific provision applies to the extent of the conflict.

(c) the first week of an academic term means the week that the drop/add period for undergraduate students ends.

(d) "days" means calendar days;

(e) "funding fee" means the revenue generating fee from which Student Government makes appropriations. Currently, the funding fee is known as the activity and service fee.

(f) "of the membership" means the total number of authorized seats in the body.

(g) "primary budget" means the budget from which Student Government appropriates revenue generated by the funding fee for a fiscal year. Currently, the primary budget is known as the activity and service fee budget.

(h) "student body officer-elect" means a person elected who has not yet assumed office. A person that a student body officer-elect has appointed may not assume office until the student body officer-elect assumes office, even if the appointed person has been confirmed by the Student Senate.

(i) "student body official" means any person who holds a position within Student Government.

(j) "subsidiary budget" means all budgets, excluding the primary budget. Currently, the subsidiary budgets are the organizational budget and the special events budget, but shall also include all future budgets except the primary budget.

Section 2. Vacancy in office.—Vacancy in office shall occur upon the creation of an office, graduation without immediate re-matriculation, death, removal from office, resignation, failure to maintain the required residency or classification, or failure to qualify by the first day of the term of office.

Section 3. Laws preserved.—All laws enacted under the provisions of the 1968 constitution, as subsequently amended, and not contrary to the provisions of this constitution, shall remain in full effect until they expire by their terms or are repealed under the provisions of this constitution.

Section 4. Hierarchy of laws.—The provisions of the student body constitution are governed by and subordinate to the constitution and laws of the State of Florida as well as the policies of the Board of

Regents and the University rules as set forth in the Florida Administrative Code.

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