

SUPREME COURT OF THE STUDENT BODY

Reconsideration pursuant to petition by Student Body:
UF Student Tribunals' & UF Student Committees' Application of State and Federal Law.

ANGSTADT, J. delivers the opinion of the Court:

On November 15, 2016, the Supreme Court of the Student Body of the University of Florida, pursuant to two petitions correctly and timely filed and oral argument by the student body, reconsiders the decision issued by the Court on December 21, 2006¹ (the “2006 Decision”). Ultimately, petitioners ask whether the Court erred in reaching the 2006 Decision, holding that remote location online voting is unconstitutional.

Affirmed.

I

Petitioners ask whether and to what extent bodies within the University of Florida Student Government may rely on the United States Constitution, the Florida Constitution, federal statutes, and Florida statutes in reaching their decisions.

The University of Florida Student Government is not bound by the United States Constitution, the Florida Constitution, federal statutes, and Florida statutes, but may consider such sources persuasive. Accordingly, we affirm the 2006 Decision and address the series of questions before the Court in turn.

A

The University of Florida Student Government derives its power from the University of Florida Student Body Constitution (“Constitution”).² Relevant here, the judicial branch is gifted authority via Article V of the Constitution, whereby all judicial power is vested in the University of Florida Supreme Court.³ The Court’s primary purpose is to interpret provisions of the Constitution or any law pursuant to written request by twenty members of the student body or request of the Student Body President.⁴ The Constitution also grants the Court the right to adopt its own internal rules of practice and procedure.⁵ In making decisions, we hold the Constitution and precedent set by this Court are the foremost binding authorities.

B

Petitioners now ask whether and to what extent the United States Constitution, Florida Constitution, federal statutes or Florida statutes may be considered persuasive.

Commensurate with logic, where the Court is unable to find guidance within the foremost authorities, the Court may look to outside sources for guidance. In other words,

¹ December 21, 2006, 1 S.C.R. 11 (2006).

² UF Const. Art. II (2016).

³ UF Const. Art. V (2016).

⁴ UF Const. Art. V, §3(b) (2016).

⁵ UF Const. Art. V, §2(b) (2016).

the Court may rely on outside sources including, but not limited to, the United States Constitution, the Florida Constitution, federal statutes, or Florida statutes as persuasive authority. These are documents, many of which have withstood the test of time and are the product of well-reasoned debate, which have facilitated successful and fair governance. Though not binding without express adoption, there is no reason such sources should not influence us here.

Where a persuasive authority is adopted by one of this Court's holdings, the source law still remains persuasive. It does not become a primary source. Rather, it is the holdings of this Court, regardless of where the language comes from, that this or any future University of Florida Supreme Court is considered bound. This is to provide consistency and adequate notice to the student body, and ensure University of Florida laws are derived from a representative political process.

C

Finally, petitioners ask whether the 2006 Decision was correctly decided and is still valid student law. We affirm the 2006 Decision as correctly decided and valid student law.

The cogent 2006 Decision is premised on a concern for voters.⁶ The 2006 Court outlined a very real and likely scenario in which members of an organization are forced to vote under supervision of their organization's superiors. This coercion could, of course, ensure that solely the interests of large organizations are represented in Student Government.⁷

In short, petitioners suggest the 2006 Decision deferred, improperly and without adequate notice, to Florida law.⁸ We disagree. The Court relied on the Constitution as a primary authority,⁹ and bolstered its reasoning with Florida law.¹⁰ For some time, the Constitution has given notice that students are to be provided a secret vote.¹¹ Since 2006, the Florida laws cited in the 2006 decision have been expressly adopted into the University of Florida's jurisprudence.¹²

The 2006 Decision is affirmed.

II

Petitioners ask the same questions of the Court in regard to the University of Florida Student Government's legislative branch, particularly the Senate Judiciary Committee. We address petitioners' questions in turn.

A

First, petitioners ask whether the Senate Judiciary Committee may rely on the United States Constitution, Florida Constitution, federal Statutes, or Florida statutes to fail proposed student legislation. We answer this question in the affirmative.

⁶ *Id.* at 14-15. Particularly, voter coercion. *Id.*

⁷ *Id.*

⁸ Specifically, Fla. Stat. § 101.041, and Fla. Const. Art. VI, § 1.

⁹ December 21, 2006, 1 S.C.R. 11, 12 (2006).

¹⁰ *Id.* at 12-13.

¹¹ UF Const. Art. III, § 7(d) (2016).

¹² December 21, 2006, 1 S.C.R. at 11.

The University of Florida Student Government derives its power from the Constitution.¹³ The legislative branch is gifted authority by Article III of the Constitution, whereby all legislative powers are vested in the University of Florida Student Senate.¹⁴ The Constitution likewise grants the Student Senate the right to adopt its own rules of procedure.¹⁵

The Senate has done so, adopting the University of Florida Senate Rules and Procedures. The judiciary committee, at the heart of this petition, is governed by Senate Rule 11(4)(c).¹⁶ In particular, the Judiciary Committee has been given the responsibility of reviewing legislation for its constitutionality.¹⁷

As addressed above, the University of Florida Student Government may be persuaded by alternative sources.

B

Petitioners invite us to expand the power of the Court, enabling review of proposed legislation which fails in committee. We decline their invitation.

The University of Florida Student Government derives its power from the Constitution.¹⁸ This is not a power which can be found or logically derived from the authority granted to the judicial branch by the Constitution.¹⁹

The Court's power is limited to reviewing laws and the Constitution. In order to be law, proposed legislation must first make it through committee, then be approved by the full Student Senate, then be signed into law by the Student Body President. It is only then this Court may have jurisdiction for review.

III

Because failed legislative proposals are not subject to review by the Court, we lack jurisdiction over and do not reach the remainder of petitioner's questions.

Request for reversal denied.

It is so ordered.

TRIBBEY, C.J., SIRAGUSA, J., SCURRY, J., ROBINSON, J., MCCARTHY, J., ALLEN, J. concur.

¹³ UF Const. Art. II (2016).

¹⁴ UF Const. Art. III, § 6(a) (2016).

¹⁵ UF Const. Art. III (2016).

¹⁶ UF Senate Rules and Procedures §11(4)(c) (2016).

¹⁷ UF Senate Rules and Procedures §11(4)(c)(ii) (2016).

¹⁸ UF Const. Art. II (2016).

¹⁹ UF Const. Art. V (2016).