

ADVISORY OPINION 2021-01

**BUDGET COMMITTEE'S
AUTHORITY TO WITHHOLD
FUNDING FROM REGISTERED
STUDENT ORGANIZATIONS**

Repper, J.¹ for the Court.

Pursuant to Article IV, Section 3(C)(5), of the Student Body Constitution, it is within the jurisdiction of this Court to issue advisory opinions² “concerning student rights under the Student Body Constitution upon request of the Student Body President or any Senator.”

We take this opportunity to emphasize that we have not been presented with a case or controversy and we are not considering a particular set of facts. This advisory opinion is a general interpretation of student rights and is not binding on the Court.

On November 2, 2021, this Court received a petition from the Florida State University Student Government Association (“SGA”) Budget Committee

Chair for the Senate as to the Budget Committee’s authority to withhold funding from registered student organizations. Specifically, this Court is asked to assess the Budget Committee’s authority in §416.3 as stated in the Student Body Statutes (“SBS”).

We emphasize that this Advisory Opinion is a statement of this Court’s interpretation of the law and that the Supreme Court reserves ruling on the issues discussed herein without a case requiring a decision before the Court, should this issue come before us again in subsequent litigation.³ However, now that the Court has issued an Advisory Opinion on the matter, it should be known that the Budget Committee may withhold funding from a registered student organization so long as its reasoning for doing so is viewpoint neutral.

ANALYSIS

In forming our opinion, this Court looked to the specific language of SBS §§

¹ Justice Repper is a temporary Justice, appointed to fill an interim vacancy on the Supreme Court.

² A non-binding statement by a court of its interpretation of the law on a matter submitted for that purpose.” Black’s Law Dictionary, 8th ed. 2004.

³ See *Burns v. State of Ohio*, 360 U.S. 252 (1959) (noting that the court holds the ultimate responsibility of determining violations and imposing sentences).

416.3 (B)(1), (3). See *Kisor v. Wilkie*, 139 S. Ct. 2400 (2019) (holding that a court must exhaust all traditional tools of statutory construction). When interpreting a statute, Courts begin with the text of the provision at issue, giving the words contained in the provision their ordinary meaning. See *N.Y. v. Travelers Ins. Co.*, 514 U.S. 645, 655; *Moskal v. United States*, 498 U.S. 103, 108 (1990). “The beginning point must be the language of the provision, and when the text speaks with clarity to an issue, judicial inquiry into its meaning, in all but the most extraordinary circumstance, is finished.” *Ramey v. Director*, 326 F.3d 474, 476 (4th Cir. 2003).

Pertinent to the issue presented here, Section 416.3 states:

Procedures for Passage of the Budget.

- (B)(1) Each prospective recipient of monies from the Budget shall make a budget request. The Budget Committee shall hold hearings during which budget requests are defended. Each prospective recipient of the Budget shall have a separate hearing.
- (B)(3) The Budget Committee shall have the authority to deliberate monies to requesting and non-requesting prospective recipients. *The*

Budget Committee shall also be authorized to deliberate more or less than the amount requested. SBS §§ 416.3(B)(1), (3) (emphasis added).

It is apparent from the plain language of this rule that its purpose is to authorize the Budget Committee to grant more or less money than what is requested. Moreover, the word “less” in the rule does not indicate that some amount of money must be given. Rather, that the Budget Committee may grant any amount lesser than what is requested, even zero dollars. See *United States v. Locke*, 471 U.S. 84, 95 (1985) (noting that the Court is required “to assume that legislative purpose is expressed by the ordinary meaning of the words used”).

Further, this Court looked to the specific language of SBS Chapter 806, which governs funding boards. Chapter 806 does not provide any restrictions on what reasons the Budget Committee may deny funding. Alternatively, the United States Supreme Court has established that viewpoint neutrality is required when a student government contemplates funding allocation. See *Bd. of Regents of Univ. of Wisconsin Sys. v. Southworth*, 529

U.S. 217, 233 (2000) (holding “[t]he proper measure, and the principal standard of protection for objecting students, is the requirement of viewpoint neutrality in the allocation of funding support”). A student may challenge a denial of funding allocation to an organization on the grounds that the Budget Committee based its funding decision on its support for or opposition to the particular viewpoint or message which that organization advocates. *Id.*

In sum, SBS § 416.3(B)(3) provides the Budget Committee with the express authority to grant less money than what is requested. Further, so long as the Budget Committee’s reasoning for withholding funds is predicated upon viewpoint neutrality, its decision is proper. *See Bd. of Regents of Univ. of Wisconsin Sys. v. Southworth*, 529 U.S. 217, 233 (2000).

CONCLUSION

In issuing this Advisory Opinion, we do not render any decision as to the merits of a potential claim brought before the Court regarding any of the issues discussed herein. After careful consideration of the provisions contained in the body of laws, which govern this Court, we conclude that the provisions contained in SBS § 416.3 authorize the Budget Committee to withhold funding from a registered student organization.

Respectfully Submitted this the 5th day of
November 2021.