

ADVISORY OPINION 2020-1

AUTHORITY OF THE STUDENT BODY PRESIDENT TO ISSUE EXECUTIVE ORDERS

Keller, CJ. 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 opinions¹ “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 January 14, 2020, the Florida State University Student Body President petitioned this Court for an advisory opinion as to the scope and ability of the Student Body President to issue executive orders.

¹ “A nonbinding statement by a court of its interpretation of the law on a

REASONING

In coming to its advisory opinion, this Court looked to the language of the Student Body Constitution Art. III § 3(A) and the enumerated power of the President that it contains. Specifically, the President shall:

Administer and enforce all laws of the Student Body.

Art. III § 3(A).

Much like the United States Constitution, the Student Body Constitution does not directly define or give the President authority to issue executive orders. Notably, there is no executive order authority enumerated within Art. III § 3. In fact, the only reference to “Executive Order” found in either the Student Body Constitution or Statutes relates to the public posting requirements. Nevertheless, the authority to issue an executive order is standard practice that is recognized at both the state and federal level.

The authority to issue an executive order at the federal level has been interpreted as an implied

matter submitted for that purpose.”
Black’s Law Dictionary, 8th Ed. 2004

and accepted power derived from Art. II of the Constitution of the United States. Art. II specifically states that the President shall:

Take Care that the Laws be faithfully executed.

This Court cautions that the issuance of an executive order does not create a new law or appropriate any funds; only the Senate has the power to do both of these acts.

CONCLUSION

Therefore, this Court only advises that the Student Body President has the authority to issue executive orders pursuant to Art. III § 3(A) of the Student Body Constitution. However, this Court cautions that an executive order is intended to instruct the government how to operate within the parameters already defined by the Senate and the Constitution.