

**ADVISORY OPINION
2020-3**

**ACCESSIBILITY OF
MEETINGS AND EVENTS
STATUTORY
INTERPRETATION**

Sills, J. 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 opinions ¹ “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 March 2, 2020, a Florida State University Senator petitioned this Court for an advisory opinion as to whether Student Body Statutes (“SBS”) 802.4(D) titled “Accessibility of Meetings & Events” applies to board meetings held by Agencies or Bureaus off campus. We conclude that SBS 802.4(D) does apply to board meetings held by Agencies or Bureaus off-campus. We emphasize that this is an issue of statutory interpretation and reasonable minds could differ as to the applicability of this statute². However, now that the Court has issued an Advisory Opinion on the matter it should be known that this statute is

¹ 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.

² See generally *Osei v. State*, 226 So. 3d 1077, 1078 (Fla. 1st DCA 2017) (holding that cases of statutory interpretation do not apply retroactively).

applicable to all board meetings held by agencies or bureaus off-campus.

REASONING

In coming to its conclusion, this Court looked to the language of the Student Body Statutes and Constitution. *See Kisor v. Wilkie*, 139 S. Ct. 2400, 2415 (2019) (holding that a court must exhaust all the traditional tools of statutory construction). First, a court must give the words used their ordinary meaning. *Moskal v. United States*, 498 U.S. 103, 108 (1990). In relevant part SBS 802.4(D) states: “Events should be held on campus if appropriate accommodations are available. Agencies, bureaus, affiliated projects, and SGA offices must have off-campus events approved via a resolution of the Student Senate.” SBS 802.4(D). It is apparent from the plain language of the statute and the title of the statute section that this statute was

enacted to ensure that if an event that is held by an agency, bureau, or affiliated projects is held off-campus the meeting must be approved via a resolution of the Student Senate. *See United States v. Locke*, 471 U.S. 84, 95 (1985) (noting that the Court is required “to assume that ‘the legislative purpose is expressed by the ordinary meaning of the words used’”). Seemingly, this was to encourage accessibility to all interested parties. *See id.*

Board meetings of the various entities listed in the statute would be considered an “event”. Event in Merriam-Webster’s dictionary is defined as “something that happens: occurrence; a noteworthy happening; a social occasion or activity”. *Event*, Merriam-Webster Dictionary (12th ed. 2019). Certainly, a board meeting is something that happens, or at the very

least, a noteworthy happening. Therefore, the meetings should be approved via resolution in the Student Senate.

CONCLUSION

Indubitably, board meetings by the named entities in SBS 802.4(D) are required to have their off-campus meetings approved via resolution in the Student Senate. Moreover, the Court emphasizes that opinions by the Court, and in particular advisory opinions, are not to be retroactively applied. *See Osei*, 226 So. 3d at 1078.