

ADVISORY OPINION 2019-11

REVIEW OF PROPOSED CONSTITUTIONAL AMENDMENTS

Sills, J. for the Court

Pursuant to Student Body Statutes, the Supreme Court is required to review any proposed constitutional amendments for its adequacy and fairness to “ensure that the language of the statement adequately and fairly reflects the intent of the ballot proposal.” SGA Stat. 506(B)2. The purpose of the Court’s review is to, “ensure all that provisions voted on by students are fair and not deceptive in terms of the provision’s language, and do not violate the Student Body Statutes, the Student Body Constitution, the Board of Governors Regulations, University Policy or Regulation, or any local, state, or federal law.” SGA Stat. 506(A)2.

On November 19, 2019, a petition to certify proposed amendments to the Student Body Constitution were properly submitted to the Court for review. The question presented involves whether or not amending SBS 607.1(D) to allow additional review of matters that surround COGS or COGS entities. The Court advises there is nothing

which facially violates a federal, state, or local law such that this Proposed Constitutional Amendment should be withheld from the ballot, and that the statement of intent accompanying the proposed amendment are fair and adequate.

REASONING

In reaching this decision, the Court looked to the language of the SGA Statute 506 (“Court Review Act”) and the language of Article VI Section 1 of the Student Body Constitution. The Court Review Act requires that all proposed constitutional amendments and referenda (“provisions”) be submitted to the Supreme Court for review. The Court’s review is limited to an advisory opinion.

There is a distinct difference in language throughout the Court Review Act. The Title and Purpose Section emphasizes the importance of ensuring the provision’s language is “fair and not deceptive language” for it to be placed on the ballot. While chapter 506(B)(2) requires that all Statements of Intent be reviewed by the Court to ensure that they adequately and fairly represent the accompanying proposed provision.

PROPOSED AMENDMENT OF SECTION 607.1(D)

The Legislative Branch includes COGS as part of itself. *See generally* SBS, § 607.1(D)(2). Article 1, Section 5, Clause 2 of the United States Constitution states: “Each House may determine the Rules of its Proceedings” U.S. CONST. art. 1, § 5, cl. 2. Here, the proposed amendment is the senate merely changing its own internal rules. Under the United States Constitution, and other applicable law, this is constitutional.

CONCLUSION

This Court, in issuing advisory opinions, like the Florida Supreme Court, “must act with extreme care, caution, and restraint before it removes a constitutional amendment from the vote of the people.” *In re Advisory Op. to the Att’y Gen. re Fla. Minimum Wage Amend.*, 880 So. 2d 636, 639 (Fla. 2004). Moreover, “[the] Court has no authority to interject itself in the process, unless the laws governing the process have been ‘clearly and conclusively’ violated.” *Id.*

Nothing in this Advisory Opinion should be read or construed to favor a position either for or against the proposed amendments. The Court only advises that there is nothing which

facially violates nor conflicts with any known federal, state, or local law such that this Proposed Constitutional Amendment should be withheld from the ballot, and that the Statement of Intent accompanying the proposed amendment is fair and adequate.