

ADVISORY OPINION 2025-01

CONCERNING THE APPROVAL AND PUBLISHING PROCEDURES FOR PROPOSED AMENDMENTS TO APPEAR ON THE ELECTION BALLOT

Bennett, J., Writing for the Court.

Pursuant to Article IV, Section 3.3(e) of the Student Body Constitution, this Court has jurisdiction to issue advisory opinions. The Court accepts jurisdiction to deliver this advisory opinion.

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

On January 15, 2025, this Court received a petition from the Florida State University Student Government Association (“SGA”) Supervisor of Elections for an advisory opinion. The petition asked the Court to determine the proper procedures for approval and

publishing of proposed amendments to the SGA Constitution. Petitioner poses the following questions that this Court will address:

1. Under Article VI, Section 1 and Article VI, Section 6 of the Student Body Constitution, must the Student Body President, Student Senate, Student Body Supreme Court, or the Vice President for Student Affairs approve of a proposed amendment in order for it to appear on the ballot for ratification?
2. Given the process outlined in Article VI, Section 1 and Article VI, Section 6 of the Student Body Constitution, must the Supervisor of Elections publicize a proposed amendment following the filing deadline, as outlined in Chapter 702.2(k)(2) and Chapter 704.4 of the Student Body Statutes?

Aside from these certified questions, this Court will also consider whether there are any provisions of Florida law that mandate additional requirements for approving amendment proposals.

We would like to underscore that this advisory opinion is non-binding. The Court reserves ruling on the issues discussed herein without a case that requires a decision. Nevertheless, the Court analyzes the approval and publishing procedures for a proposed constitutional amendment in the opinion as follows.

ANALYSIS

In forming our opinion, the Court looked to the specific language of the FSU Constitution and provisions of the Student Body Statutes (“SBS”) regarding the constitutional amendment process. *See Conage v. United States*, 346 So. 3d 594, 598 (Fla. 2022) (quoting *Alachua Cnty. v. Watson*, 333 So. 3d 162, 169 (Fla. 2022)) (concluding that courts must “exhaust all the textual and structural clues’ that bear on the meaning of a disputed text”). Modern courts interpret a statute “in accord with the ordinary public meaning of its terms at the time of its enactment.” *Bostock v. Clayton Cnty.*, 590 U.S. 644, 654 (2020); *see also Conage*, 346 So. 3d at 599 (“When a contested term is undefined in statute . . . we presume that the term bears its ordinary

meaning at the time of enactment . . .”). We interpret statutes and constitutional provisions in accordance with these principles.

Regarding the first issue, we conclude that Article VI, Sections 1 and 6 do not require proposed constitutional amendments to be approved by any SGA entities or school administrators. The pertinent constitutional provisions state the following:

ARTICLE VI, SECTION 1

Amendments to this Constitution may be proposed by two-thirds (2/3) vote of the Student Senate, by petition of 1,500 members of the Student Body, or by recommendation from the Constitutional Review Commission, and shall become part of this Constitution upon ratification by two-thirds (2/3) of the votes cast in an election of the Student Body, provided that the proposed amendments have been published in a campus newspaper at least one week prior to the vote of the Student Body.

ARTICLE VI, SECTION 6

(1) There shall be a Constitutional Review Commission to review the Student Body Constitution and present amendments for ratification by the Student Body.

(2) The Commission shall have the authority to propose amendments to the Student Body Constitution.

FSU Const. Art VI, §§ 1, 6.

Article VI, Section 1 describes three ways that amendments can be proposed for ratification. They can be proposed by a vote of the Student Senate, Student Body petition, or recommendation from the Constitutional Review Commission. The only requirement is that proposed amendments be “published in a campus newspaper at least one week prior to vote of the Student Body.” FSU Const. Art. VI, § 1. This section says nothing about SGA officials or school administrators needing to approve the proposals.

Likewise, Article VI, Section 6 grants the Constitutional Review Commission the power to *propose* new amendments. This provision says nothing about any entity *approving* new amendments. And the Commission is not vested with the power to approve proposals from the Senate or the Student Body. Thus, we conclude that Article VI, Sections 1 and 6 do not require approval of proposed constitutional amendments.

Regarding the second issue, we conclude that the Supervisor of Elections must publicize a proposed amendment in accordance with Chapter 702.2(k)(2) and Chapter 704.4 of the Student Body

Statutes. The pertinent statutory provisions are stated as follows:

CHAPTER 702.2(K)(2)

The Supervisor of Elections shall perform the following duties:

(k) Publish all offices up for election at least one (1) week prior to the filing deadline on the SGA website.

(2) Ensure the publication of the official ballot, referenda, and constitutional amendments one (1) week following the candidacy filing deadline, on the SGA Website.

CHAPTER 704.4

All questions of opinions, compulsory referenda, constitutional amendments, and other ballot provisions must be submitted to the Supervisor of Elections The Supervisor of Elections shall post online all provisions (both wording and statements of intent/understanding), their source (Senate or petition), and the number of remaining signatures needed, if applicable.

FSU. Stat. 702.2(k)(2), 704.4.

Chapter 702.2(k)(2) does not conflict with the SGA Constitution. At a minimum, amendment proposals must be “published in a campus newspaper at least one week prior to the vote of the Student Body.” FSU Const. Art. VI, § 1. But the Constitution does not forbid the posting of proposals on the SGA website. The

Constitution is a floor—not a ceiling. *See* FSU Const. Art. II, § 5.1(c), (m) (granting the Student Senate the authority to “[p]rovide for the compilation and publication of legislation” and “write legislation”). So long as the Constitution’s minimum requirements are followed, the Student Senate may create additional responsibilities for the Supervisor of Elections.

Moreover, Chapter 704.4 also does not conflict with the SGA Constitution. Chapter 704.4 does not prohibit the Supervisor of Elections from publishing amendment proposals in a campus newspaper. Rather, it creates an additional requirement to “post online all provisions” of a proposed amendment. FSU Stat. 704.4. The Student Senate is authorized to legislate beyond the minimum standards of the Constitution.

Finally, Article VI, Section 6 of the SGA Constitution does not concern the publishing of proposed amendments. This section outlines the powers and composition of the Constitutional Review Commission. FSU Const. Art. VI, § 6. It does not create any policies for posting amendment proposals. Hence, the pertinent statutes do not conflict with this section. We conclude that the Supervisor of Elections

must abide by the publishing requirements of Chapter 702.2(k)(2) and Chapter 704.4.

Aside from these issues, we will also address whether any provisions of Florida law mandate additional requirements for approving proposed amendments. We conclude that the University’s Board of Trustees or any official that it designates must approve of constitutional amendments before they are officially adopted by SGA.

Under Florida law, “[e]ach student government shall adopt internal procedures governing: (a) [t]he operation and administration of the student government; (b) [t]he execution of all other duties as prescribed to the student government by law.” Fla. Stat. § 1004.26(3)(a)-(b) (2025). Furthermore, regulations for the Board of Governors state the following:

(4) Each student government shall adopt internal procedures governing: (a) The operation and administration of the student government. (b) The execution of all other duties as prescribed to the student government by university regulation.

(5) Upon adoption, such internal procedures shall be approved by the university board of trustees or its designee as deemed appropriate by the board of trustees.”

Fla. BOG Regul. 6.014(4), (5) (2025).

The ultimate question here is what constitutes an “internal procedure.” Neither the regulations nor the statute provides an explicit definition. In Florida, “[w]hen a contested term is undefined in statute . . . [courts] presume that the term bears its ordinary meaning at the time of enactment . . .” *Conage*, 346 So. 3d at 599. The Florida Legislature first adopted § 1004.26(3) in 2002. *See Fla. Stat. § 1004.26(3)(a)-(b) (2002)*. Thus, we will determine the ordinary meaning of “internal procedures” in 2002.

In making this determination, we typically “look to dictionaries for the best evidence of ordinary meaning.” *Conage*, 346 So. 3d at 599. Before 2002, the Oxford English Dictionary defined procedure as “[a] particular course or mode of action; an established or prescribed way of doing something.” *Procedure, Oxford English Dictionary* (2d ed. 1989). Since then, the definition has not significantly evolved. In 2007, “procedure” was defined as “[t]he fact or manner of proceeding with any action, or in any circumstance or situation . . . the established or prescribed way of doing something.” *Procedure, Oxford English Dictionary* (3d ed. 2007). Both of these definitions denote a process or methodology for accomplishing tasks.

Hence, in 2002, the word “procedures” was likely understood to mean processes or methods for completing a task.

Furthermore, the word’s usage in context is crucial to unlocking its meaning. *See Conage*, 346 So. 3d at 599 (quoting *Robinson v. Shell Oil Co.*, 519 U.S. 337, 341 (1997) (“[T]he plainness or ambiguity of statutory language is determined by reference to the language itself, the specific context in which the language is used”). Here, “procedures” is modified by the adjective “internal.” This adjective limits “procedures” to encompassing methods for completing tasks *within* the SGA.

Moreover, Section 1004.26(3)(a)-(b) provides a guiding principle that further narrows the meaning. “Internal procedures” only includes matters “governing . . . [t]he operation and administration of the student government” or “[t]he execution of all other duties as prescribed to the student government” *Id.* In other words, “internal procedures” must *govern* operations by specifying a process for managing SGA or accomplishing its duties. Based on this language, we apply a two-pronged test to determine whether something is an internal procedure: (1) Does the matter prescribe a process for managing SGA or achieving its

responsibilities? (2) Does the matter have governing authority over SGA? Both elements must be satisfied before something is classified as an “internal procedure.”

In the present case, a constitutional amendment satisfies both elements. The SGA Constitution lays a framework for how the Student Government should function. It divides SGA into three branches of government and describes how officers are selected. FSU Const. Art. II-IV. It also specifies minimum standards for elections and the amendment process. *Id.* Art. V-VI. Every provision establishes guidelines for managing SGA or fulfilling its responsibilities. And these guidelines govern all members of the Student Body—including SGA officials. *See* FSU Const. Art. I, § 2 (“All students . . . shall be subject to this Constitution, the Student Body Statutes, and to all University Rules and Regulations.”). Therefore, an SGA constitutional amendment can be classified as an “internal procedure” under Florida law.

State regulations require the Board of Governors or an official that it designates to approve internal procedures. Fla. BOG Regul. 6.014(5) (2025). And the words “[u]pon adoption” signal that this approval

is the final step for an internal procedure to be adopted. *Id.* Constitutional amendments are internal procedures under Florida law. Thus, we conclude that the Board of Governors or a designated official must approve of constitutional amendments before they are officially adopted by SGA.

We understand that this advisory opinion may raise additional questions, such as whether approval is required for proclamations or statutes. We encourage SGA officials and school administrators to utilize our two-pronged test. For instance, proclamations do not require approval under Florida law. Chapter 401.2(a) defines “proclamations” as “formal expressions of Senate opinion.” FSU Stat. 401.2(a). They may include statements “[c]ommanding or condemning individuals” or “[a]rticulating non-binding statements of position on matters relevant to the Student Body.” *Id.* 401.2(a)(1)-(2). These statements are mere opinions. They do not prescribe a process for managing SGA or fulfilling its responsibilities. And, as the statute admits, these statements are “non-binding.” FSU Stat. 401.2(a)(2). They do not have governing authority over SGA.

But other legislative enactments, such as statutes, *do* have governing authority over SGA. *See* FSU Stat. 100.1

(“These statutes shall serve as the enacted laws of the Student Body as per the authority delegated . . . to the Student Government Association to enact and enforce them.”). Like constitutional amendments, statutes also prescribe a process for managing SGA or fulfilling its responsibilities. *See, e.g.*, FSU Stat. 300.3 (outlining the powers and duties of the Executive Branch). Florida law would require statutes to be approved by the Board of Governors or a designated official before they are adopted by SGA.

In summary, we conclude that Article VI, Sections 1 and 6 do not require approval of proposed constitutional amendments. But Florida law does require approval from the Board of Governors or a designated official before they are adopted by SGA. We advise the University’s General Counsel to conduct additional research on the required approval process under Florida law. Regarding the second issue, we conclude that the Supervisor of Elections must publicize a proposed amendment in accordance with Chapter 702.2(k)(2) and Chapter 704.4.

*Respectfully Submitted this the 31st day of
January, 2025.*