



THE FLORIDA STATE UNIVERSITY  
DIVISION OF STUDENT AFFAIRS  
*Office of the Vice President for Student Affairs*

April 16, 2023

**MEMORANDUM**

TO: Omer Turkomer, General Counsel for **ForwardFSU**

FROM: Dr. Brandon Bowden, Associate Vice President for Student Affairs

CC: Dr. Amy Hecht, Vice President for Student Affairs

SUBJECT: Appeal decision for: **23-SP-SC-02**

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I am responding your appeal request submitted to Dr. Amy Hecht, Vice President for Student Affairs, on April 6, 2023. Dr. Hecht delegated me as the appellate reviewer on April 7, 2023 to respond to your request. I have taken the opportunity to review the document you submitted which included the Supreme Court opinion **23-SP-SC-02**. I also reviewed the email explanation you sent to Dr. Hecht expanding on your issue with a focus on what you indicated was your primary concern; *“the Court’s decision to rule Section 709.1(B)(1) as unconstitutional and to have it be stricken from Florida State University’s Student Body Statutes.”*

I have taken the time to review the entirety of the 22-page opinion provided by the court. In short, I agree with the rationale provided by the dissenting justice. I need not look any further than the following excerpt provided that states;

*“Looking to section 709.1(B)(1) it is evident that the restriction of off-campus campaigning for student government elections on private property is content neutral. Section 709.1(B)(1) states that “[c]ampaign material is prohibited on any privately-owned property, except that candidates may post materials on private property should they obtain the consent of the property owner or manager.” § 709.1(B)(1), Student Body Stat. The statute does not limit speech on account of any given viewpoint, political party, or reason for campaigning...”*

In considering time, place and manner, I believe it reasonable that SBS 709.1(B)(1) can restrict campaigners solicitation if the appropriate approvals are not received. I do **not** find that *Section 709.1(B)(1)* is unconstitutional. It is for



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these reasons that the decision of the Supreme Court to strike § 709.1(B)(1) from the Florida State University Student Body Statutes is **overturned**.

In light of this ruling on the constitutionality of the statute, I hereby remand the decision back to the Supreme Court with instructions to review the initial Elections Commission decision to determine the validity of any alleged violation and appropriate outcomes, if applicable.

Regards,

Dr. Brandon Bowden  
Associate Vice President for Student Affairs