



EXECUTIVE BRANCH

OFFICE OF THE ATTORNEY GENERAL

Madison Moore

To: Danishka Morissette, Deputy Pro Tempore
CC: Brandon Greenaway, Student Body President
Colby Smith, Student Body Vice President
Sierra Holmes, President of the Senate
Akhila Damarla, Senate President Pro Tempore
Brodie Taylor, Student Government Coordinator
From: Madison Moore, Attorney General
Date: November 07, 2023
Subject: Title III, Chapter 307 (CORRECTED)

I, Attorney General Moore, in accordance with the Constitution, Statutes, and Senate Rules of the Student Body of the University of Central Florida, hereby issue the following opinion to the Senate Deputy Pro Tempore, Danishka Morissette, and all other interested parties:

One question will be answered in this opinion. Do Temporary Sign-Overs have the same duties, responsibilities, and opportunities as Sitting Senators? Temporary Sign-overs do not have all opportunities of traditional senators because of restrictions placed upon their role, but they may have the same duties and responsibilities, unless otherwise specified by statutes. Per Statute 307.1 “The Senate Sign-over designee will practice all rights and privileges of an elected or appointed Senator **unless otherwise specified by these Statutes.**” Upon what is bolded in the former, there may be limitations on the rights and privileges of Temporary Sign-Overs.

I.

This question arose out of a need of further clarification from the Deputy Pro Tempore, Danishka Morissette, and ELA Richmond and ILA Pohlman. The need for this opinion derives from the copious number of Temporary-Sign Overs this session.

II.

Per Black Laws Dictionary, “representative” is defined as “someone who stands for or acts on behalf of another.” In this opinion, “representative” will be relating to specified Student Government Committees.



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Per Black Laws Dictionary, “officer” is defined as “someone who holds an office of trust, authority, or command.” In this opinion, “officer” will be relating to all leadership positions or specified roles within the Legislative Branch of Student Government.

Per Black Laws Dictionary, “retain” is defined as “to hold in possession or under control; to keep or not lose, part with, or dismiss.”

In this opinion, “traditional senator” will be defined as “a senator whom is elected or appointed into the legislative body.”

III.

In Title III, 307.1, “Student Senators who will be absent during all or part of any semester may designate a Senate Sign-over during their period of absence. The Senate Sign-over designee will practice all rights and privileges of an elected or appointed Senator **unless otherwise specified by these Statutes**. Should the Senator not return at the completion of the designated period of absence, the Senate seat will be declared vacant. A Senator is allowed to have a sign-over for a maximum of one (1) academic semester. The Senate may extend this maximum by a majority vote. A Senator may only have one sign-over per academic session.”

Therefore, no, Temporary Sign-Overs do not have all the opportunities as sitting senators. Temporary Sign-overs do not have the opportunity to hold a senate seat for more than one (1) academic semester, nor the duty, or the responsibility, of holding the seat for more than the time period mentioned, unless granted by the Student Body Senate upon majority vote.

Upon the statement in the statute above, “unless otherwise specified by these statutes” grants limitations upon the role of the Temporary Sign-Over that may be found in the *University of Central Florida Student Body Statutes* as it is intended.

IV.

One limitation can be found in Title III, 307.4, Restrictions on the Sign-over Designee, it is stated that “A. Sign-over designees may retain the committee membership of the **original Senator** but will NOT retain **any Officer or ORS/LJR** committee representative position within the **Student Body Senate**.”

As reading this opinion, take note of highlighted terms or phrases. As the statute is intended and interpreted, a Sign-over may possess committee membership of the original senator. It is not the



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intent of the Senator whom drafted this legislation for the sign-over to possess any officer or ORS/LJR committee representative position. The bill drafter intentionally includes “position within the Student Body Senate” instead of referring to the seat of the original senator, as it is referred in the first portion of the sentence, but not the last. The bill drafter also included “NOT” in capitalized lettering, with intent to injunct sign-overs of officer or representative positions. Words are not commonly capitalized in statutes, and when they are it is to remove ambiguity.

The statute also uses the word “retain” twice, meaning that the intent of this word is used the same throughout the sentence. “May retain” is referred to the seat of the original senator, while “will NOT retain” is referred to the Student Body Senate. The intention and the language of the clause is to restrict the opportunity of Temporary Sign-overs to hold officer or ORS/LJR representative positions.

The statute heading also makes the intention clear as to what the statute means, “Restrictions on the Sign-over Designee.” It would be incorrect to place the statute stated above into this pocket of restrictions if the intent of the statute is to allow committee membership, an officer position, and ORS/LJR representative positions; **there would be nothing to restrict in the statute if that was the intention.**

It is the opinion of the Attorney General that a Temporary Sign-Over may not hold any officer position, and that a Temporary Sign-Over may not hold any representative position in the *Operations Review & Sanctions Committee* or the *Legislative, Judicial, & Rules Committee*.

V.

Temporary Sign-Overs may not have all opportunities as appointed or elected senators, but they may have responsibilities and duties that are pertinent to their role.

As stated in Title I: The System of Statutes, Chapter 100: Statute Compliance, “100.1: Student Government Agents must comply with the Student Body Statutes, UCF Golden Rule, all university policies and procedures, as well as all local, state, and national laws.” Therefore, all Student Government Agents are liable for their responsibilities and duties that is expected of them in our governing documents regardless of leadership position and for the purposes of their role.

This opinion does not reduce Temporary Sign-Overs, as the designee is a sitting senator that is sworn to all duties and responsibilities as all Student Government Agents or their role. The purpose of this opinion is to clarify the rules of our governing documents and to instill a body with integrity.



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It is the opinion of the Office of the Attorney General that previous Student Government Senators passed the statute 307.4 to hold leadership positions with integrity, and to not have senators whom have entered the senate in a nontraditional way to hold sacrosanct leadership positions that are vital to the body.

VI.

Temporary Sign-overs have an entire chapter dedicated to their role, with duties and responsibilities that traditional senators do not have, “Chapter 307: Student Senate and Temporary Sign-over.” In this chapter, there is many duties and responsibilities that vary from traditional senators, as well opportunities that are restricted of the sign-over. Temporary Sign-overs may exercise all rights and privileges as elected and appointed senators, but may be restricted by specified clauses of governing documents that supersedes them.

It is the opinion of the Office of the Attorney General that previous Student Government Senators passed *Chapter 307 of Title III* for the purposes of checks and balances, to provide student educational rights, to ensure a body that is exposed to the experience necessary, and to uphold the due process of the traditional senator.

It is so ordered,

A handwritten signature in black ink that reads "M. Moore".

Madison Moore

Attorney General

University of Central Florida