



UNIVERSITY OF CENTRAL FLORIDA STUDENT GOVERNMENT
JUDICIAL COUNCIL

Bryce Lister, in his official capacity as the Student Body President,

Complainant

v.

Student Body Senate of the University of Central Florida,

Respondent

Case Number: JR-02

Argued and Decided: November 20th, 2024

Justices hearing the case: Chief Justice Rivera, Internal Assistant Chief Justice Pazera, External Assistant Chief Justice Calfee, Justice Grady, Justice Moya, Justice Nunez, Justice Rosario, Justice Lakshmanan, Justice Netto, Justice Rezek, Justice Nerro, Justice Lopez, Justice Villadarez, and Justice Porlles.

STATEMENT OF FACTS

Before the Council is a complaint by Bryce Lister, Student Body President, filed on November 14, 2024. The complainant seeks Judicial Review concerning the constitutionality of Internal Bill 56-12, which passed the Student Body Senate on Third Reading on November 7, 2024.

The Council found that there are grounds for the complaint and that the Council has jurisdiction to hear the complaint pursuant to the University of Central Florida Student Body Constitution Art. IV §4.03C. The Judicial Council heard the case on November 20, 2024.



OPINION OF THE COUNCIL

C.J. Rivera writes for the majority.

SECTION I

The Judicial Council has decided—by a vote of 14-0-0—that Internal Bill 56-12 is unconstitutional.

The principles of separation of powers and checks and balances are the constitutional basis for the Appointments process that cannot be abridged for the following reasons:

- I. The *Constitution of the United States of America*, after which this Student Government is modeled, has specifically granted the President of the United States the power to nominate individuals to offices. The *University of Central Florida Student Body Constitution Art. IV §3.04B* also grants the Student Body President this power.

Similar to the President of the United States, the Student Body President's power to nominate is absolute and plenary. Their process for searching and selecting nominees is one that is at the discretion of the Executive by their constitutional authority and electoral mandate. Whether that searching process follows tradition or not, is question that every Student Body President must answer, not the Student Body Senate.

Similar to the United States Senate, the Student Body Senate's power to confirm or reject nominees is absolute and plenary. It is the Student Body Senate that deems a nominee worthy to take on the powers and duties of an office by their constitutional authority and representative mandate.

Internal Bill 56-12, at its core, prescribes the Executive an exact process for how to exercise their power. It is the opinion of the Judicial Council that this prescription is an unconstitutional legislative act. Our opinions are bound to the federal, state, and local laws, mirroring them to the best of our abilities when possible and appropriate. In this case, we find ourselves bound to the supreme law of the land and the principles that shaped it.



There are very few instances within the American system of government that provide a constitutionally established process across branches—let alone one that bestows equal plenary power—such as Presidential appointments. In asserting that Internal Bill 56-12 is unconstitutional, we preserve this separation of power and the discretion of the Executive in exercising their constitutional authority.

If the Student Body President fails to execute this power to a level that disrupts the function of a governing body, the Student Body Senate has a responsibility to hold them accountable through remedies available, formal and informal. These include asking questions during Senate reports up to impeachment. The Student Body President is not a monarch, and the Senate is not powerless.

SECTION II

- I. The Respondent has asserted, and the language of Internal Bill 56-12 reflects, that this legislation is exclusive to appointments to the Student Body Senate. The power of appointments to offices is not divided by branches or body, as it stems from the same constitutional clause. We find it unreconcilable that the Senate would have a different arrangement (in this case, a timeline) for appointments not applicable to other offices.
 - a. There are circumstances outside of the general appointment provisions, including the appointment of an Interim Chief Justice and Election Commissioners during the election season. These are specified for their critical function and unique circumstances that does not violate the separation of powers.

SECTION III

- I. The Student Body Senate *does* have a responsibility to review and revise statutes. However, its legislative prerogative cannot exceed the bounds of constitutional authority that belong to other branches, like regulating the exercise of a delegated power. There are no stated or explicit provisions in the *University of Central Florida Student Body Constitution* granting the Student Body Senate the power to do so.

SECTION IV

- I. The Respondent argues that the Complainant has not exhausted all options available to him, including the Presidential Veto. It is our opinion, supported by the authority



bestowed upon the Judicial Council by *University of Central Florida Student Body Constitution Art. IV §4.03.C*, that this is not a requirement to request Judicial Review.

- II. While the Complainant in this case happens to be the Student Body President, any student—President or not—has the right to request the examination of executive or legislative acts. That right is not reliant on exhaustion of the legislative process, or the powers bestowed upon a Student Government Agent.

In conclusion, Internal Bill 56-12 is unconstitutional and may not be enacted.

It is so **ORDERED** on November 20, 2024.

A handwritten signature in black ink, appearing to read "Daniel Rivera", written over a horizontal line.

DANIEL A. RIVERA
CHIEF JUSTICE