



EXECUTIVE BRANCH

ATTORNEY GENERAL OPINION

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To: Zachary Gaudio, Legislative, Judicial, and Rules Committee Chair
Daisy Trejo Hernandez, Legislative, Judicial, and Rules Committee Vice Chair

CC: Luci Blanco, Student Body President
Jarib Benitez, Student Body Vice President
Kirsten Courts, Speaker of the Senate
Jason Hameed, Senate President Pro Tempore
Bella Pazera, Chief Justice
Anna Reed, External Legislative Assistant
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Owen Sherman, Conference, Registration, and Travel Committee Chair
Niklas Luecht, Financial Allocations for Organizations Committee Chair
Samuel Rose, Operations Review & Sanctions Committee Chair
Bobby Escobar, Elections and Appointments Committee Chair
Juan Varela, Government Affairs and Policy Committee Chair
Mila Teodorescu, Student Body Advocacy Committee Chair

From: Jorge Altuna, Attorney General and Judicial Advisor

Date: June 23, 2025

Subject: Opinion on the Use of Executive Sessions in Student Government

Time: 3:15 PM EST

I. Foreword

I, Jorge Altuna, the Student Government Attorney General, in accordance with the Student Body Constitution, Statutes, and Senate Rules, hereby issue the following opinion:

The question presented is whether Student Government entities may lawfully enter executive session during meetings under the current Statutes and Florida's Government-in-the-Sunshine Law.

For the reasons detailed below, it is the opinion of this office that UCF Student Government bodies are **not** permitted to enter executive session unless they meet narrow statutory exemptions for closed meetings under the Student Body Statutes, following the guidance of F.S. §286, and then only under strict procedural conditions. All other deliberations **must** remain public.



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II. Question Presented

May Student Government entities at the University of Central Florida enter executive session, as defined under Robert's Rules of Order, to conduct deliberations or take action on official matters, or does Title XII of the Student Body Statutes, in conjunction with Florida's Government in the Sunshine Law, prohibit the use of executive session absent a specific statutory exemption?

III. Background and Statutory Framework

Robert's Rules of Order, the widely adopted parliamentary authority, including by Student Government, provides for the concept of executive session. In parliamentary terms, to enter executive session means to proceed in a closed meeting in which only the members of the body may be present. Crucially, what is said or done in executive session is confidential, and members are honor-bound not to divulge discussions or decisions made during that closed session, except as authorized by the assembly. Under Robert's Rules, the body generally must vote to go into executive session.

Typically, any member can move for an executive session, and if a majority of the assembly agrees, or by unanimous consent, the meeting is then closed to outsiders. The purpose of closing the meeting should be stated in the motion and recorded in the minutes. Once the confidential discussion is over, the body must formally end the executive session through a vote and resume the open meeting. Robert's Rules serve as a default parliamentary authority but do not carry the force of law. Its provisions are superseded by any applicable federal, state, or local laws. This means that if an open-meetings law (like Florida's Sunshine Law) requires a meeting to be public, a public body cannot invoke Robert's Rules to justify closing it.

Florida's Government in the Sunshine law, codified in §286.011, Florida Statutes, mandates that meetings of any board or commission of a state agency or authority where official acts are taken must be open to the public. This open-meetings requirement is rooted in Florida's Constitution and statutes and reflects a strong public policy favoring transparency. No general exception allows closed-door meetings for governmental bodies unless a specific statute provides an exemption. In practice, this means meetings must be publicly noticed, open at all times to the public, and minutes must be recorded and made available. Any reasonable notice must include the time, place, and agenda of the meeting.



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Student Governments at Florida's public universities are established by state law and integrated into this Sunshine framework. Florida Statutes §1004.26 formally creates a student government at each state university and defines it as part of the university. In other words, each student government is an extension of a public institution. Because of this status, a university's student government is generally regarded as a board or commission of a public agency for Sunshine Law purposes. Notably, student governments disburse public funds (Activity & Service Fee) and exercise delegated authority from the university's Board of Trustees in areas like fee allocation. Florida courts and authorities, therefore, presume that student government bodies must comply with the Sunshine Law.

In line with state policy, Student Government has codified its own title of compliance with open-government mandates. Title XII of the UCF Student Body Statutes (Student Government Transparency) explicitly mandates openness and Sunshine compliance for all Student Government meetings, and related provisions require at least 24-hour public notice on the website, prompt recording of minutes as public records, and publication of those minutes. This internal statute leaves no ambiguity that all official Student Government assemblies (Senate sessions, committee meetings, etc.) must be open to the student body and public, with proper notice and record-keeping, just as any government meeting under Florida law.

1201.1

Student Government meetings are public meetings that must be held in compliance with the provisions of the Sunshine Law and Florida Statutes.

Title XII, Chapter 1201.1's requirement of compliance further means that UCF's Student Government cannot override the open-meeting principle as it has bound itself to follow state Sunshine provisions. Florida courts have also consistently interpreted Sunshine Law broadly, ensuring that official deliberations are not conducted in secret. Several key precedents and opinions illustrate how this principle applies in the university and student government context:

- ***Town of Palm Beach v. Gradison (Fla. 1974)***: The Florida Supreme Court established that even an advisory committee appointed by officials is subject to Sunshine. The Court warned against "secret decision-making," noting Sunshine was intended to ensure that discussions that shape or influence public decisions must themselves be open. A governmental body cannot lawfully have a private workshop or pre-meeting to build consensus and then merely ratify decisions in public.



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- *News-Press Pub. Co. v. Carlson (Fla. 2d DCA 1982)*: A state appellate court held that when a group has been delegated decision-making authority by an official body, it is subject to Sunshine requirements. In this case, even though a committee was not composed of the governing board itself, it exercised authority on the board's behalf and thus had to meet publicly. This principle encompasses many student government functions, such as allocating student funds or ratifying legislation requiring administrative approval.
- *Bennett v. Warden (Fla. 2nd DCA 1976)*: In contrast, a court found that a purely fact-finding group was not subject to Sunshine. However, this scenario is rare. Florida's courts have narrowed the advisory exception significantly. If a group's work foreseeably shapes decisions or if it makes recommendations that officials approve, Sunshine generally applies.
- *Wood v. Marston, 442 So.2d 934 (Fla. 1983)*: The Florida Supreme Court applied Sunshine Law to a University of Florida search committee tasked with screening and recommending candidates for Dean. Even though the committee's choices were subject to approval by the university president and trustees, the Court held it was a board under Sunshine. The committee had decision-making influence, and the Court emphasized that the Sunshine Law covers collegial bodies at public institutions even if their decisions are one step in a larger process.
- *Silver Express Co. v. Dist. Bd. of Miami-Dade Comm. College, 691 So.2d 1099 (Fla. 3d DCA 1997)*: A community college's evaluation committee for a contract was found subject to Sunshine. The committee ranked proposals for a service contract, and the court ruled its meetings should have been open. This reinforces that contract and budget deliberations at public universities are open meetings. Student governments often oversee similar functions and thus would be held to the same standard.
- *Florida AGO 98-55 (Council of Deans, USF)*: Florida's Attorney General opined that a university's Council of Deans, composed of college deans and a vice president, meeting regularly to formulate academic policies for the president's approval, must comply with Sunshine. The Attorney General noted the committee was formally appointed to make decisions subject to higher ratification. Because the council's recommendations carried weight and were often approved, the Attorney General concluded that the Sunshine Law covers any such committee where the university administration has ceded decision or policy influence, even if the president or Board of Trustees retains final say.



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IV. Recommendations for Statutory Compliance

Florida Statutes §286.011(8) establishes a narrow but lawful exemption to the Sunshine Law for certain closed-door sessions. This provision allows governmental bodies, including student government entities functioning as arms of a public institution, to hold sessions in private when specific conditions are met. For example, certain discussions of pending litigation, public security, student rights and privacy, or confidential matters can be closed, but only under strict procedural safeguards. No general exemption permits a student government to go into a private or executive session for ordinary business.

If UCF's Student Government finds itself in a situation that falls under a statutory exemption to the Sunshine Law, an executive session may be used, but only if conditions are met. For instance:

- **Attorney Consultations:** Florida's Sunshine Law provides a narrow exemption for a board to meet in private with its attorney to discuss pending litigation or imminent litigation strategy per F.S. §286.011(8). If Student Government is involved in a lawsuit, the governing body could hold a closed session to discuss legal strategy with counsel. However, this exemption has strict requirements: the session must be limited to settlement negotiations or strategy, only the board, its attorney, and a court reporter may attend, the meeting must be formally noticed, and a transcript must be made public once the litigation concludes.
- **Statutory Confidential Matters:** If a topic arises that is made confidential or exempt from public disclosure by state or federal law, Student Government should justify closing a meeting to comply with those confidentiality laws. For example, discussions that might involve protected student information, such as education records protected by the Family Educational Rights and Privacy Act (FERPA) or certain disciplinary proceedings, must be closed to prevent disclosing records.
- **Title IX Related Hearings:** In highly sensitive cases where a Student Government proceeding intersects with an active Title IX investigation, closed deliberations may be warranted to protect the confidentiality of involved students and the integrity of the process. Title IX and FERPA impose strict federal confidentiality requirements when personally identifiable student information or protected investigatory records are at stake. In such circumstances, Student Government should coordinate closely with the University's Office of Institutional Equity and the General Counsel to determine whether a meeting must be closed to ensure compliance with federal protections.



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- **Security-Related Exemptions:** Florida Statutes §281.301 exempts certain security system plans and risk assessments from public disclosure, recognizing that the dissemination of sensitive safety-related information can pose a public danger. While rare in a Student Government context, this exemption may apply if the body is consulted or briefed by university administration on emergency preparedness plans, threat assessments, or law enforcement-coordinated safety protocols, particularly concerning high-profile events involving campus security. If such scenarios arise, Student Government may be included in restricted meetings under administrative discretion, provided the session is coordinated with UCF's emergency management and legal services office.
- **Confidential Complaints:** Florida Statutes §119.071(2)(j) protects the identity of individuals involved in certain complaints or whistleblower reports, and this protection may occasionally intersect with Student Government activity, especially within investigatory, ethical, or accountability functions. For instance, if the Election Commission receives a referral involving a confidential complainant, limited closure of discussion may be appropriate to avoid exposing redacted or sensitive personal information. Though the Sunshine Law generally disfavors secrecy, privacy protections for whistleblowers justify temporary redactions and restricted deliberations. These circumstances require careful legal review and should be invoked only with university oversight and strict documentation.

While Florida law provides very limited circumstances in which executive sessions may be lawfully held, it is equally important to clarify what does not qualify as a valid exemption under the Sunshine Law. Student Government should not rely on executive session simply for convenience, discomfort with public scrutiny, or internal preference for privacy. The following examples illustrate situations that, while perhaps sensitive or complex, do not meet the threshold for a closed meeting and must be conducted in full compliance with Sunshine and Title XII's open-government requirements:

- **Employment Deliberations:** Florida's open meetings law does **not** contain a personnel exemption for public bodies. Therefore, all employment-related discussions conducted by Student Government, such as reviewing applicants, deliberating over appointments, discussing job performance, or considering leadership transitions, must be held in open session. The fact that these conversations may involve sensitive opinions or evaluative judgments does not override the legal obligation to conduct them publicly. Deliberating matters behind closed doors violates both Title XII of the Student Body Statutes and Florida's open meetings requirements.



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- **Administrative Planning:** Under Sunshine Law, if two or more members of the same decision-making body are together and discussing any matter that foreseeably will come before their body for action, it is considered a meeting subject to Sunshine. This is true even if no votes are taken. Therefore, closed-door sessions of the Senate or its committees are not allowed as they constitute part of the decision-making process that must remain public. Any attempt to classify a meeting as an executive session to discuss official matters without public attendance is inconsistent with Sunshine.
- **Disciplinary Proceedings:** Removing or censuring an officer is public business. Title XII and the Sunshine Law do not exempt discussions of a student official's alleged misconduct or fitness for office from public view. While it might be uncomfortable to air such issues publicly, Florida law expects that the decision-making process occur in the open for government bodies. Student Government could allow for the accused to request a closed evidentiary hearing if a legal right is at stake, but there is no clear statutory basis for Student Government to close an impeachment or censure deliberation. Thus, the safer course is to conduct even these sensitive discussions in public.

Student Government should continue to operate with maximal transparency and use executive sessions only in the rarest circumstances, if ever. To adhere to statutes and best practices:

- When in doubt, err on the side of **openness**. The presumption in Florida is that meetings are open. If Student Government leaders believe a closed session might be warranted, they should first consult the University's General Counsel or the Attorney General for guidance. It is far better to discuss a sensitive matter in public (or postpone it) than to risk a procedurally invalid meeting.
- Instead of closing a meeting, Student Government can protect legitimate confidential information through other means. For example, if a public discussion might expose someone's private data, Student Government agents can redact names or identifying details and stick to general terms. If a person's behavior is being discussed, focus on actions and avoid disclosing unrelated private information.
- On the uncommon occasion when an executive session is justified, follow all statutory steps meticulously. Provide the proper notice citing the exemption, confine the discussion strictly to the exempted topic, do not take unrelated votes, and record any required transcript or minutes to be disclosed later per the law.



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VII. Conclusion

It is the firm and unequivocal opinion of this Office that executive sessions are prohibited for Student Government entities at the University of Central Florida, except in the extremely limited and statutorily defined circumstances outlined in FERPA, §286.011(8), Florida Statutes, the Student Body Statutes, and in this opinion.

Robert's Rules of Order, while helpful in guiding parliamentary procedure, do **not** and **cannot** override state law or the constitutional principles of transparency codified in Florida statute. The use of executive session constitutes a direct violation of Florida law, Student Government Statutes, and the public trust. Any action taken in such a meeting risks being rendered null and void and exposes both individual members and Student Government to procedural and reputational liability.

Therefore, this Office strongly recommends the immediate cessation of all noncompliant executive sessions and calls upon the Student Senate to introduce clarifying legislation that reinforces this standard and clearly delineates exemptions established by law. Ultimately, the use of executive session by Student Government entities, without meeting the limited and highly regulated exceptions under Florida law, is unlawful. Robert's Rules does not override state transparency laws or Title XII. It is therefore the opinion of this Office that Student Government bodies must refrain from closed deliberations unless explicitly permitted by law. Failure to comply may render any decisions made during those sessions statutorily and procedurally void. Unless a meeting is explicitly authorized to be closed under §286.011(8), F.S., it must remain open to the public.

Issued with due consideration and in service to the Constitution,

A handwritten signature in black ink that reads 'Jorge Altuna'.

Jorge Altuna
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University of Central Florida Student Government



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VIII. References

Florida Attorney General. (1998). Advisory Legal Opinion AGO 98-55: Applicability of the Sunshine Law to the Council of Deans at USF. <https://www.myfloridalegal.com/>

Florida Attorney General. (2023, October 30). Advisory Legal Opinion AGO 2023-04: Applicability of Sunshine Law to University Presidential Searches. <https://www.myfloridalegal.com/>

Florida Attorney General. (2023). Government-in-the-Sunshine Manual (2023 ed.). Tallahassee, FL: First Amendment Foundation.

Florida Constitution, Art. I § 24(b), Fla. Const.

Florida Statutes § 1004.26 (2024). Student government creation and powers.

Florida Statutes § 286.011 (2024). Government-in-the-Sunshine Law.

Robert, H. M., Honemann, D. H., Balch, T. J., Seabold, T. J., & Gerber, D. E. (2020). Robert's Rules of Order Newly Revised (12th ed.). PublicAffairs.

Slaughter, J. (n.d.). Executive Session/Closed Meeting Issues. Parliamentarian.com. <https://www.jimslaughter.com/executive-session-closed-meeting-issues/>

Student Government Association, University of Central Florida. (2024). Student Body Statutes, Title XII: Student Government in the Sunshine Act. <https://studentgovernment.ucf.edu/statutes/>

Student Press Law Center. (2018). Guide to covering student government meetings: Florida section. <https://splc.org/>

Town of Palm Beach v. Gradison, 296 So. 2d 473 (Fla. 1974).

News-Press Publishing Co. v. Carlson, 410 So. 2d 546 (Fla. 2d DCA 1982).

Bennett v. Warden, 333 So. 2d 97 (Fla. 1st DCA 1976).

Wood v. Marston, 442 So. 2d 934 (Fla. 1983).

Silver Express Co. v. District Board of Miami-Dade Community College, 691 So. 2d 1099 (Fla. 3d DCA 1997).

University of Central Florida Office of General Counsel. (n.d.). Sunshine Law Guidance for Student Groups. <https://generalcounsel.ucf.edu/>

University of Central Florida Student Government. (2022, July 14). Attorney General Opinion: Sunshine Law and Investigative Interviews. <https://studentgovernment.ucf.edu/>