



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-03

Argued and Decided: April 2, 2025

Justices hearing the case: Chief Justice Rivera, Internal Assistant Chief Justice Pazera, External Assistant Chief Justice Calfee, Justice Grady, Justice David, Justice Nunez, Justice Rosario, 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 March 5, 2025. The complainant seeks Judicial Review concerning the constitutionality of Internal Bill 56-27. President Lister vetoed IB56-27 and the Student Body Senate overturned the Presidential veto by a vote of 30-10-0 on February 20, 2025.

The Judicial 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.



OPINION OF THE COUNCIL

Chief Justice Rivera writes for the majority.

SECTION I

Before the Judicial Council were two questions:

1. Does the Student Body Senate have the authority to legislate the Presidential power of appointments?
2. What is Internal Bill 56-27's constitutionality?

James Madison writes in *The Federalist Papers, No. 51*, “In order to lay a due foundation for that separate and distinct exercise of the different powers of government, which to a certain extent, is admitted on all hands to be essential to the preservation of liberty, it is evident that each department should have a will of its own;”

Federalist 51 explains that blending the powers of government and creating checks and balances, where each branch was given the “constitutional means” and “requisite motives”, was intentional to keep the other branches from breaching the boundaries of their powers. This is where we find the heart of the principle of separation of powers, providing the pretext and framing to how the Judicial Council approaches this constitutional question.

Alexander Hamilton in *Federalist No. 76* addresses “The Appointing Power of the Executive”. He explains three options for entrusting this power: “by a single person, by a select assembly of moderate number, or by a single man with concurrence of the assembly.” Hamilton saw that the appointment power was a core component to the constitutional republic the framers were building. A President with sole appointment power would be too powerful and tyrannical, like the King of England. Yet, a President with less appointing power than the Senate, would disrupt the efficient operations of the government.

And so, the framers created this blended system in Article II, Section 2, Clause 2 of the United States Constitution: “*and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for,*”



Our framers were very clear in their intended purpose and effect in creating a blended appointment process. They intentionally limited unilateral executive power via the Senate's "Advice and Consent" powers and intentionally limited government and legislative inefficiency via the Presidential power to act decisively on officers. With this, we find that the Student Body Senate is constitutionally constrained to their advice and consent function, a fact that Hamilton elaborated on and emphasized in *Federalist No. 76*:

"To what purpose then require the co-operation of the Senate? I answer, that the necessity of their concurrence would have a powerful, though, in general, a silent operation. It would be an excellent check upon a spirit of favoritism in the President, and would tend greatly to prevent the appointment of unfit characters from State prejudice, from family connection, from personal attachment, or from a view to popularity. In addition to this, it would be an efficacious source of stability in the administration.

It will readily be comprehended, that a man who had himself the sole disposition of offices, would be governed much more by his private inclinations and interests, than when he was bound to submit the propriety of his choice to the discussion and determination of a different and independent body, and that body an entire branch of the legislature. The possibility of rejection would be a strong motive to care in proposing. The danger to his own reputation, and, in the case of an elective magistrate, to his political existence, from betraying a spirit of favoritism, or an unbecoming pursuit of popularity, to the observation of a body whose opinion would have great weight in forming that of the public, could not fail to operate as a barrier to the one and to the other. He would be both ashamed and afraid to bring forward, for the most distinguished or lucrative stations, candidates who had no other merit than that of coming from the same State to which he particularly belonged, or of being in some way or other personally allied to him, or of possessing the necessary insignificance and pliancy to render them the obsequious instruments of his pleasure."



SECTION II

The legal principle of *Res Judicata* (Latin for “a matter judged”) prevents the same parties from relitigating a claim or issue that has already been decided by a court. This promotes judicial efficiency, finality, and prevents inconsistent judgements across jurisdictions. The principle has key elements and below is the analysis of each:

- I. Final Judgement: A prior decision must be a final and valid judgement on the merits.
 - a. The Judicial Council decided in Case JR-02 that the Student Body Senate’s:
“legislative prerogative cannot exceed the bounds of constitutional authority, like regulating the exercise of a delegated power.”
- II. Same Parties: Parties, or their derivatives, must be the same as the prior case.
 - a. The Parties in Case JR-02 are the same as Case JR-03.
- III. Same Cause of Action: The claim or issue must be identical to the one already adjudicated.
 - a. The issues and claims are identical in both case JR-02 and JR-03: the constitutionality of legislation on the Presidential appointment power.
 - b. Internal Bill 56-27 does not have any meaningfully different provisions.
- IV. Competent Jurisdiction: The court that rendered final judgement must have had proper jurisdiction.
 - a. In the United States judicial system, the U.S. Supreme Court holds original jurisdiction for a very limited number of cases:
 - i. Disputes between two states.
 - ii. Cases affecting ambassadors, other public ministers, and consuls.
 - b. The Judicial Council is the only body vested with judicial authority, holding full original jurisdiction over cases examining executive and legislative acts.
 - i. In the absence of inferior courts within our Student Government, it is the Judicial Council’s jurisdiction to adjudicate this case.
 - ii. All decisions of the Judicial Council are considered to hold the weight of law (or in our case, statutes).

This case sufficiently satisfies the key elements of *Res Judicata*, and this constitutional question is to be considered “a matter judged”.



SECTION III

And so, we find the answers to our questions:

1. Underlined by the democratic principles of separation of powers, the constitutional system of checks and balances, and their intentional creation by the Framers of the United States Constitution: The Student Body Senate does not have the constitutional authority to legislate the absolute and plenary Presidential power of appointments.
2. Within this line of reasoning, we find that Internal Bill 56-27 violates this constitutional boundary.

The Judicial Council—by a unanimous vote of 13-0-0—ruled that Internal Bill 56-27 is unconstitutional and may not be enacted. This decision is final and binding.

It is so **ORDERED** on April 9, 2025.

DANIEL A. RIVERA
CHIEF JUSTICE