



# EXECUTIVE BRANCH

## ATTORNEY GENERAL OPINION

*Jorge Altuna*

[sga\\_ag@ucf.edu](mailto:sga_ag@ucf.edu)

[studentgovernment.ucf.edu](http://studentgovernment.ucf.edu)

**To:** Zachary Gaudio, Legislative, Judicial, and Rules Committee Chair  
Jordan Lipner, Student Body Senator, College of Undergraduate Studies Seat 1  
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  
Collin Hoffner, Internal Assistant Chief Justice  
Victoria Marie Villadarez, External Assistant Chief Justice  
Anna Reed, External Legislative Assistant  
Grace Rudie, Internal Legislative Assistant  
Owen Sherman, Conference, Registration, and Travel Committee Chair  
Niklas Luecht, Financial Allocations for Organizations Committee Chair  
Samuel Rose, Operations Review & Sanctions Committee Chair  
Nghi Chau, Elections and Appointments Committee Chair  
Juan Varela, Government Affairs and Policy Committee Chair  
Mila Teodorescu, Student Body Advocacy Committee Chair  
Amarah Presley, Supervisor of Elections  
Andrew Collazo Borges, Assistant Supervisor of Elections

**From:** Jorge Altuna, Attorney General and Judicial Advisor

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

*Revised*

**Date:** July 24, 2025

**Time:** 7:05 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 74-267, 1974 (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 narrow exemptions to the Sunshine Law for certain closed-door sessions. These exemptions allow governmental bodies, including Student Government entities functioning as arms of the UCF Board of Trustees, to hold sessions in private when specific conditions are met.

Florida's Sunshine Law dictates openness for Student Government bodies that function as official boards or commissions of the university by virtue of delegated decision-making authority. For example, the Activity & Service Fee Committee, which allocates public funds under the authority of the Board of Trustees, meets this state-delegated authority benchmark. Any committee or board disbursing public funds or making binding recommendations subject to approval would similarly fall under Sunshine Law requirements.

Moreover, even for Student Government groups that do not meet the Sunshine Law's definition of a state-delegated agency board, the Student Body Statutes impose its own open-meeting obligations. Title XII extends beyond the Sunshine Law, meaning that Student Government is expected to conduct business in the open. Suppose UCF's Student Government finds itself in a situation that falls under a statutory exemption to the Sunshine Law. In that case, an executive session may be used, but only if certain conditions are strictly 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, the session must be limited to settlement negotiations or strategy discussions, 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.
- **Statutorily Confidential Matters:** If a topic arises that is made confidential or exempt from public disclosure by state or federal law, Student Government may justify closing a meeting to comply with those confidentiality laws. For example, discussions regarding protected student information, such as education records safeguarded by the Family Educational Rights and Privacy Act (FERPA) or certain sensitive disciplinary proceedings handled by the Election Commission, the Judicial Council, the Office of Student Conduct and Academic Integrity, should be closed only to the extent necessary to prevent disclosing private student records.





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- **Title IX Related Hearings:** In highly sensitive cases where a Student Government proceeding intersects with an active Title IX investigation, executive sessions 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 (or a portion of it) must be closed to ensure compliance with federal protections.
- **Security-Related Exemptions:** Florida Statutes §281.301 exempts certain security system plans and risk assessments from public disclosure, recognizing that 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 or UCFPD on emergency preparedness plans, threat assessments, or law enforcement-coordinated safety protocols.
- **Confidential Complaints:** Florida Statutes §119.071(2)(j) protects the identity of individuals involved in certain complaints or whistleblower reports. This protection may occasionally intersect with Student Government activity, especially within investigatory, ethical, or accountability functions. For instance, if the Elections Commission receives a referral involving a confidential complainant, limited closure of discussion may be appropriate to avoid exposing sensitive personal information. Though the Sunshine Law disfavors secrecy, privacy protections for whistleblowers justify temporary redactions and restricted deliberations. These circumstances require careful review and should be invoked only with university oversight and strict documentation.
- **Judicial Council & Election Commission Hearings:** As one of the three coequal branches within Student Government, the Judicial Council serves a constitutional role and operates in an adjudicative capacity. Similarly, the Elections Commission functions during the election cycle, rendering determinations on candidate eligibility, violations, and enforcement actions. Neither the Judicial Council nor the Elections Commission exercises delegated policymaking or fiscal authority from the University or the Board of Trustees, which places them outside the legal thresholds that trigger mandatory compliance with Florida's Sunshine Law open-meeting provisions. However, given the broad language and intent of Title XII, both the Judicial Council and the Elections Commission are *strongly* encouraged to conduct their meetings in an open and transparent manner wherever possible, while also ensuring private student records are protected.



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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 sessions simply for convenience, discomfort with public scrutiny, or internal preference for privacy. The following examples illustrate situations that do **not** meet the threshold for a closed meeting and must be conducted in full compliance with Title XII's open-government requirements:

- **Employment Deliberations:** Florida's open meetings law does not contain a general personnel or employment-related exemption for public bodies. Therefore, all employment-related discussions conducted by Student Government, such as reviewing applicants for a position or deliberating over appointments, must be held in open session. In the spirit of open government, especially in the Elections & Appointments committee, the Student Body should have the right to attend and voice their opinion on who will serve and represent their interests in Student Government.
- **Candidate Appointments:** The process of appointing individuals for Student Government offices through advice and consent must be open to the student body. Although candidates participate voluntarily and personal topics might arise, the Elections & Appointments committee's interviews directly influence who will hold office within Student Government, and in the spirit of open governance, the Student Body should have access to these deliberations. Neither state law nor Title XII provides any exemption that would permit interviewing candidates or debating their qualifications behind closed doors.
- **Administrative Planning:** Under the 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 planning sessions of the Senate or its committees are not allowed, as they constitute part of the decision-making process that must remain public.
- **Disciplinary Proceedings:** Removing or censuring a student official is public business. Title XII and the Sunshine Law do not exempt discussions of a Student Government officer's alleged misconduct. While it might be uncomfortable to discuss such sensitive 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, but there is no clear statutory basis for Student Government to close an impeachment trial, removal hearing, or censure deliberation. Thus, the safer course is to conduct even these difficult discussions in public.



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- **Caucus Leadership Committee / Executive Committee Meetings:** Leadership meetings among Student Government leaders are not exempt from openness simply because they are not formal votes. If substantive business or policy matters that may later come before a decision-making body are discussed, then under Sunshine principles, that gathering should be treated as a public meeting.
- **The Judicial Council and Elections Commission:** Although these entities are not legally mandated to operate under Florida's Sunshine Law due to their lack of delegated policymaking or fiscal authority, both bodies are strongly discouraged from entering executive session or holding closed meetings for matters before them. This includes hearings on election violations, candidate qualifications, judicial complaints, or constitutional questions. The spirit of Title XII, and the broader precedent set by the State of Florida, favor openness and public accountability. The only exception to this standard would be to protect sensitive student records, as required by FERPA or other applicable federal or state privacy laws.
- **Preliminary Investigations or Referrals:** The early stages of fact-finding on a complaint, or an initial impeachment inquiry before a formal committee is convened, do not involve a convened board and thus fall outside the Sunshine Law's definition of a "meeting." However, any progression of that issue to a formal Student Government committee or body (such as an impeachment by the Senate or an Election Commission violation hearing) triggers the requirement for openness. Once a matter is being acted upon, those discussions must be public.

Student Government should continue to operate with as much transparency as possible. Closing a meeting runs counter to the spirit of Florida's open-government laws (Article I, Section 24, FL Constitution) and the transparency mandates of Title XII. Student Government agents should comply with the following best practices regarding open governance:

- **When in Doubt, Remain Open:** The presumption in Florida is that meetings of public bodies are open. If Student Government leaders even suspect that a closed session might not be fully justified under an identifiable exemption, they should err on the side of openness. When faced with a sensitive matter, it is far better to discuss it in public, or table the item, than to risk holding a procedurally improper closed meeting. When uncertain, consult the University's General Counsel or the Student Government Attorney General for guidance. On the uncommon occasion when an executive session is justified, provide proper advance notice citing the specific exemption being invoked, confine the closed discussion strictly to the topic that is exempt, and record minutes. By adhering to these steps, Student Government will respect both the letter and spirit of Title XII and the Sunshine 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 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. Any action taken behind closed doors 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 Student Senate to introduce clarifying legislation that reinforces this standard and clearly delineates exemptions to Title XII.

It is therefore the opinion of this Office that Student Government bodies must refrain from closed deliberations unless explicitly permitted by statute. 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,

Jorge Altuna  
Attorney General & Judicial Advisor  
University of Central Florida Student Government



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sga\_ag@ucf.edu

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