

*The Office of the*  
**ATTORNEY GENERAL**

**To:** Matthew McCann, Student Body President

**CC:** Adam Brock, Student Body Vice President  
Wesley Jones, Speaker of the Senate  
Anthony King, Pro Tempore  
Ashley Tinstman, Public Relations Coordinator  
Michael Preston, SGA Advisor

**From:** Cortez J. Whatley, Attorney General

**Date:** December 23, 2011

**Subject:** Official Opinion Regarding Executive Orders

I, Attorney General Whatley, in accordance with the Constitution and Statutes of the Student Body of the University of Central Florida hereby refer the following opinion to President McCann, and all other interested parties:

**Inquiry:**

Accordingly, the following question is to be examined:

1. Does the Student Body President have the authority to issue Executive Orders?

**Considerations:**

Title IV, Chapter 402.1 of the Student Body Statutes:

- I. "The Attorney General shall be the legal advisor to the President, and shall hand down opinions of the Constitution of the Student Body, Student Body Statutes, and rights and responsibilities to any member of the student body who shall, in writing, request such opinion."

Article III, Section I of the Constitution of the University of Central Florida:

- II. "All executive powers and those powers not specifically granted herein to other branches of Student Government shall be vested in the Student Body President, assisted by the Student Body Vice President, and such other administrative officers as the President shall appoint to effectively carry out the business of the Student Government Association."

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**Examination:**

The issue being examined in this opinion is in regards to the power and scope of the Executive Branch. The answer to the simple question of whether or not the Executive Branch has the authority to issue an Executive Order or Act is yes. The Constitution grants that power in the first section of Article three. The clause states, "All executive powers and those powers not specifically granted herein to other branches of Student Government shall be vested in the Student Body President..." An official Executive Order or Act would essentially be a power not specifically granted by the Constitution or Student Body Statutes.

**Official Opinion:**

It is the opinion of the Office of Attorney General that the Student Body President has the authority to issue Executive Orders or Acts.

**Addendum:**

Since the issue in question is of an act that is uncommon, it is the obligation of this office and in the best interest of the Student Government Association that an addendum section be added to this opinion.

While the Constitution does give the Student Body President the authority to issue Executive Orders, it is an action that should be used sparingly. In order for the Executive Branch to not overstep its boundaries and tip the delicate scale of checks and balances, an act of this nature must not be abused. The intention behind an Executive Order must fall in line with the Constitution or Student Body Statutes or be issued to address an emergency, redress a problem, or correct a wrong. The Constitution of the University of Central Florida as well as its Student Body Statutes were written in accordance with democratic principles, and an abuse of this unique power will result in more of a dictatorial type of governance. It would be wise for the current administration and all future administration to exercise this power only when it is absolutely necessary and in the best interest of the student body.