

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

**To:** Kevin Gay, FAO Chair

**CC:** Nick Simons, LJR Chair  
Matt McCann, Student Body President  
Adam Brock, Student Body Vice President  
Wesley Jones, Speaker of the Senate  
Ashley Tinstman, Public Relations Coordinator  
Michael Preston, SGA Advisor

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

**Date:** December 1, 2011

**Subject:** Official Opinion regarding the Graduate Student Assembly Joint Committee and Sunshine Law

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 FAO Chair Gay, and all other interested parties:

**Inquiry:**

Accordingly, the following question is to be examined:

1. Whether or not the GSA Joint Committee falls under the jurisdiction of Sunshine Law and whether compliance with Sunshine Law is required for the GSA Joint Committee to meet and conduct business?

**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."

Title XII, Chapter 1201.1 of the Student Body Statutes:

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

Chapter 286 Florida Stat. § 286.011 Public meetings and records; public inspection; criminal and civil penalties:

- III. "All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, at which official acts are to be taken are declared to be public meetings open to the public at all times..."

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

- IV. “Advisory boards created pursuant to law or ordinance or otherwise established by public agencies are subject to the Sunshine Law, even though their recommendations are not binding upon the entities that create them.”
- V. “Any committee established by the Town Council to act in any type of advisory capacity would be subject to the provisions of the government in the sunshine law.”
- VI. “The Legislature would have no right to require meetings of civic organizations, unconnected with municipal government, to conform to the government in the sunshine law. However, a subordinate group or committee selected by the governmental authorities should not feel free to meet in private”

**Examination:**

The question above pertains to the requirements of the Graduate Student Assembly Joint Committee in regards to Florida Sunshine Law. Two important aspects must be considered in answering whether or not the Joint Committee is required to follow Sunshine Law. The first, is answering the question as to whether or not the Joint Committee is recognized as a Student Government Committee, and the second is establishing the role of the Committee and how that is related to Sunshine Law. In addition to Student Body Statutes, considerations for this opinion include Florida state statutes, as well as Florida case law. Since this opinion is answering a question dealing with state law, it is appropriate to reference both if necessary.

The answer to the first question is a simple yes. The Joint Committee was established and created by the Legislative branch of Student Government. In essence this alone qualifies the Joint Committee as a Student Government Committee. In addition, the committee is comprised of at least one Student Government Agent in which an official vote will be casted from that agent and recorded into minutes to be published and shared with the public. While the second point standing alone might not be enough to qualify a committee as a Student Government Committee, in conjunction with the first point, a reasonable person using basic logic would infer that the committee was under the umbrella of Student Government. This is noteworthy only in the fact that as a Student Government Committee, all meetings are automatically subject to the provisions outlined in Sunshine Law.

In addressing the second point, the role of the Joint Committee is important in determining what restrictions are placed upon it by Sunshine Law. For instance fact finding committees are not subject to the strict provisions that Sunshine Law details. However, by definition and from observed application, it is clear that the Joint Committee is not a fact finding body. In fact, by the interpretation of Constitutional Amendment 43-04 that states “Whereas a joint committee will be created to address and draft the administrative code before the Graduate Student Assembly convenes...” one would assume that the Joint Committee referenced is the drafting and deciding body for the Graduate Student Assembly Administrative Code. If this was the case then there would be no question that the committee would be subject to Sunshine Law because they would have been taking official acts. However, in the observation of the implementation of the Joint Committee, it seems as if the committee has been reduced to what resembles more of an advisory or recommendation board. Regardless, even as a recommendation committee, the committee is still subject to Sunshine Law. A similar matter brought up in *Town of Palm Beach v. Gradison*, 296 So. 2d 473 (Fla. 1974) the Town Council of Palm Beach created an advisory board of planners to assist with the revisions that the Council wanted to make to their zoning ordinances. The Florida Supreme court ruled that the advisory board was subject to Sunshine Law stating the language under the considerations section of this opinion.

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**Official Opinion:**

It is the opinion of the Office of Attorney General that the Graduate Student Assembly is subject to all of the provisions outlined under the Florida Sunshine Law.

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Cortez J. Whatley  
Attorney General  
University of Central Florida