

IN RE PADRON-RASINES

JUSTICE MALLOY delivered the opinion of the Court.

This case involves the role of the Student Government Executive Committee (“SGEC”) in appointing executive positions of the University of Florida’s Student Government. The SGEC is comprised of six students from multiple branches of Student Government and has had, until this decision, a binding vote to appoint principally executive officers. The Court finds that this practice is unconstitutional.

The Separation of Powers doctrine ensures that no branch oversteps its power, encroaches upon another branch, or blurs the voters’ ability to delineate which actor is responsible for certain decisions within government. The three branches exist to provide balance and check the power of one another. The SGEC is currently comprised of members of both the legislative and executive branches of Student Government. The composition of the SGEC, in and of itself, is not a violation of Constitution.

However, the SGEC may not have a binding vote to appoint officers that are principally executive in nature. That role belongs solely to the executive branch which is headed by the Student Body President. The Student Body President may collaborate with any individual or branch he or she chooses, but the President retains final decision making power. Upon appointment, the legislature has the right to confirm the executive’s candidate. The current practice places the legislature on both sides of the appointment process and is a clear violation of the Constitution and the framers’ intent.

Nothing in this opinion requires that any prior SGEC appointee be removed, but it is also within the executive’s sole discretion to remove any principally executive officer in accordance with the Constitution. Removal then triggers the President’s unfettered right to begin the appointment process anew.

LANCOS, J., PULIGNANO, J., SCHEIN, C.J., SCURRY, J., AND SIRAGUSA, J. concur.