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From: Supreme Court Justice 5 - Stephanie Miller <justice5@sg.ufl.edu>
Sent: Tuesday, January 27, 2025 10:27 AM
To: Larsen, Andrew D. <andrew.larsen@ufl.edu>; Hall, Jordan A. <halljordan@ufl.edu>
Cc: Jerome Scott II <jerome.scott@ufl.edu>; Chief Justice of the Student Body <chiefjustice@sg.ufl.edu>; Supreme Court Justice 3 - Adeline Gerken <justice3@sg.ufl.edu>; Supreme Court Justice 4 - Angelina Del Toro <justice4@sg.ufl.edu>
Subject: Response to 12/2 Motions to Recuse

Dear Mr. Hall and Mr. Larsen,

I write to respond to the December 2nd, 2025 Motions to Recuse and to clarify the rules and obligations of the University of Florida Supreme Court ("the Court") under the Supreme Court Rules of Practice and Procedure.

The text of Rule 3.1 reads "The Court may hold a public preliminary hearing on all matters submitted to the Court. If the Court determines to hold a preliminary hearing, then the Court will decide whether to hear a case."

The text of Rule 4.1 reads "The Court will hear oral argument on all cases it does not decline to hear at a preliminary hearing or by email notification to the petitioner."

Rule 3.1 provides for the discretionary ability of the Court to hold preliminary hearings on matters submitted to the Court. As indicated by the use of the word "may," the Court retains the sole authority to decide whether to hold a preliminary hearing. Preliminary hearings are therefore optional and not required.

Rule 4 sets forth the procedures for Oral Argument. Rule 4.1 in particular indicates that the Court will hear oral arguments on all cases "it does not decline to hear at a preliminary hearing or by email notification to the petitioner." The Court interprets this to mean that the Court will move forward to oral argument in a case if the Court (1) did not decline to hear the case at preliminary hearing, or (2) did not address the case via email notification to the petitioner.

In the present cases (*In re Interpretation of Student Body Statute 322.51's Constitutionality Under Article I, Section 4* (Nov. 16, 2025); *In re Arbitrary and Capricious Appointment* (Nov. 18, 2025)), we fall into the second category. The Court did address these cases via email notification with the attached decisions on November 16th and November 18th, respectively. As stated above, a preliminary hearing is entirely discretionary and the Court was not obligated to provide one. Petitioners were not therefore immediately entitled to oral argument due to the lack of "declin[ing] to hear the case at preliminary hearing." Petitioners' current interpretation of Rule 4.1 would make the latter half "or by email notification to the petitioner" superfluous.

The Court recognizes, however, the importance of the student body being heard. The Court also recognizes the great benefit of preliminary hearings and oral arguments to increase the transparency of the judicial process and the legitimacy of the Court. The discretionary nature of the language in Rules 3.1 and 3.4 serves the very purpose of giving the Court the ability to decide when such hearings would further justice. Thus, the Court will strive to increase this transparency going forward as justice so requires. The Court is not meant to be an ivory tower, inaccessible to the students of the University of Florida. The Court strongly expresses the desire and commitment to remain a neutral forum of justice accessible to all students.

The Motions Requesting Judicial Disqualification in Mr. Hall's and Mr. Larsen's cases are both untimely as they were filed after final judgment, as per the language of Student Body Statute 402.1.

Therefore the December 2nd, 2025 Motions Requesting Judicial Disqualification under Student Body Statute 402.1 are DENIED.

Stephanie Miller
Justice5@sg.ufl.edu
Associate Justice | University of Florida Supreme Court

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The 2025 Florida Statutes

[Title XLVIII](#)
EARLY LEARNING-20 EDUCATION
CODE

[Chapter 1004](#)
PUBLIC POSTSECONDARY
EDUCATION

[View Entire
Chapter](#)

1004.26 University student governments; the Florida Student Association.—

(1) A student government is created on the main campus of each state university. In addition, each university board of trustees may establish a student government on any branch campus or center. Each student government is a part of the university at which it is established.

(2) Each student government shall be organized and maintained by students and shall be composed of at least a student body president, a student legislative body, and a student judiciary. The student body president and the student legislative body shall be elected by the student body; however, interim vacancies and the student judiciary may be filled in a manner other than election as prescribed by the **internal procedures** of the student government.

(3) Each student government shall adopt **internal procedures** governing:

(a) The operation and administration of the student government.

(b) The execution of all other duties as prescribed to the student government by law.

(4)(a) The qualifications, elections, and returns, the appointments, and the suspension, removal, and discipline of officers of the student government shall be determined by the student government as prescribed by its **internal procedures**.

(b) Any elected or appointed officer of the student government may be removed from office by the majority vote of students participating in a referendum held under this paragraph. Each student government shall adopt **internal procedures** by which students may petition for a referendum to remove from office an elected or appointed officer of the student government. The grounds for removal of a student government officer by petition must be expressly contained in the petition and are limited to the following: malfeasance, misfeasance, neglect of duty, incompetence, permanent inability to perform official duties, or conviction of a felony. The referendum must be held no later than 60 days after the filing of the petition.

(c) Each student government shall adopt **internal procedures** providing for the suspension and removal of an elected or appointed student government officer following the conviction of that officer of a felony.

(d) Notwithstanding any other provision of law, each student government shall adopt **internal procedures** providing an elected or appointed officer of the student government who has been disciplined, suspended, or removed from office, the right to directly appeal such decision to the vice president of student affairs or other senior university administrator designated to hear such appeals. The **internal procedures** shall not condition the exercise of such right on the consideration or decision of any student panel, including, but not limited to, any student judiciary, or place any condition precedent on the exercise of such right granted by this paragraph.

(5)(a) The Florida Student Association is designated as the nonprofit advocacy organization serving the needs of the students of the State University System. If the Florida Student Association fails to meet the requirements of this section, the Chancellor of the Board of Governors shall designate an equivalent nonprofit advocacy organization to serve the needs of the students of the State University System with the approval of the Board of Governors.

(b) The Florida Student Association shall be governed by a board of directors. The membership of the board of directors shall be comprised of the 12 student body presidents of the state universities. The board of directors shall annually elect a chair from among the board's members. The chair shall also serve as president of the association.

(c) The Florida Student Association shall adopt bylaws to establish:

1. A due process for the removal or impeachment of the president of the association. Such due process must provide that the president of the association may be removed by the majority vote of members of the board of directors. The grounds for removal of the president of the association are limited to malfeasance, misfeasance, neglect of duty, incompetence, permanent inability to perform official duties, or conviction of a felony.

2. Procedures for the suspension and removal of the president of the association following the conviction of a felony.

3. Procedures for a president of the association who has been disciplined, suspended, or removed from his or her position to directly appeal such decision to the Vice Chancellor for Academic and Student Affairs for the Board of Governors. The bylaws may not place any condition precedent on the exercise of such right granted by this paragraph, and the association may not elect a new president until the exhaustion of the appeals process or any other due process rights afforded by this section.

(6) There shall be no cause of action against a state university for the actions or decisions of the student government of that state university unless the action or decision is made final by the state university and constitutes a violation of state or federal law.

History.—s. 3, ch. 2002-188; s. 43, ch. 2004-41; s. 2, ch. 2010-219; s. 4, ch. 2021-159; s. 5, ch. 2023-83.

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University of Florida Supreme Court, Rules of Practice & Procedure

<https://sg.ufl.edu/wp-content/uploads/2024/02/Supreme-Court-Rules-of-Practice-2.26.24.pdf>

4 Oral Argument

- 4.1 The Court will hear oral argument on all cases it does not decline to hear at a preliminary hearing or by email notification to the petitioner.
- 4.2 Each petition submitted may be presented by only one current University of Florida student.
- 4.3 Any petitioner presenting an oral argument to the Court will be provided at least ten (10) minutes to present their argument.
 - 4.3.1 Petitioner may reserve up to three (3) minutes of their allotted time for rebuttal.
 - 4.3.2 In the event their time expires, a speaker may only ask the Court for leave to briefly conclude their argument or answer any questions presented by the Justices.
- 4.4 The Court will have the discretion to hear opposing arguments.

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UNIVERSITY OF FLORIDA SUPREME COURT Decided January 27, 2025

In re Political Discrimination and Apportionment Case

MILLER, J. delivers the opinion of the Court.

THIS MATTER comes before the Court upon a petition filed under Article V, Section 3(b)(2) of the Student Body Constitution, requesting that the Court order the UF Senate Judiciary Committee to “refrain from voter dilution in its apportionment of the Senate’s Fall Class.” This Court denies this request for relief, finding that this case be dismissed on the grounds that it is precluded by this Court’s decision in *In re Fall 2024 Election Map Case*, 4 S.C. __ (September 30, 2024) and *Stephens et al. v. University of Florida Student Government*, 4 S.C. __ (September 30, 2024). See *Sup. Ct. Rules of Prac. & Proc. Rule 3.5*.

The matter at hand involves both the same Petitioner and the same issue from the case *In re Fall 2024 Election Map Case*. The Petitioner attempts to distinguish the instant case by referring to the particular subsets of the student population as “the System” and “the Indies,” instead of referring to the “political minorities” or “minority party,” as he previously did in *In re Fall 2024 Election Map Case*. Unfortunately, the Petitioner’s choice to redefine the “minority” and “majority” parties and coin them with his own personal terms of art is not enough to render them politically cohesive populations.¹ Nowhere did Petitioner show that the separate and distinct parties in the minority over the years referred to themselves collectively as “the Indies” nor that the separate and distinct parties consistently in the majority refer to themselves collectively as “the System.” In fact, and more importantly, they never referred to themselves collectively *at all*.

The Petitioner also attempts to argue that over time, “the Indies” have consistently held a “unifying political stance” of supporting online voting and opposing the “‘I Voted’ sticker collection scheme.” The Court finds that a group supporting online voting and opposing the collection of “I Voted” stickers does not establish a “politically cohesive” minority population under the second prong of *Thornburg v. Gingles*.

Even assuming that “pro-online voting” is a belief that conceivably could be discriminated against, Petitioner is attempting to argue that it is a *consolidated* belief held by the so-called “independent movement” in a particular region. This requires multiple speculative leaps that this Court is not at the liberty to take in as serious of a claim as voter dilution. This Petitioner is merely cherry-picking a subset of parties that have existed across the past seven years and

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UNIVERSITY OF FLORIDA SUPREME COURT Decided November 6, 2025

Interpretation of “Rules of Procedure”

TURNER, C. J. delivers the opinion of the Court.

This petition requests an interpretive declaration concerning the proper constitutional form for enactment of the Student Senate’s “rules of procedure.” Specifically, Petitioners ask the Court to clarify the relationship between Article III, Section 6(a), which empowers the Senate to determine its “rules of procedure,” and Article III, Section 8(i)(4), which restricts legislative classifications to enumerated forms including authorizations that prescribe methods of fulfilling constitutional duties. Petitioners assert that “rules of procedure” fall within the scope of Section 8(i)(4) and therefore must be enacted as authorizations requiring a two-thirds vote and immunity from executive veto.

I. Jurisdiction

This Court has jurisdiction under Article V, Section 3(b)(1) of the University of Florida Student Body Constitution, which grants the authority to “interpret any provision of the Constitution or any law upon written petition of twenty members of the Student Body.” Petitioners do not seek a directive compelling or restraining official conduct; instead, they request this Court to interpret constitutional language. Petitioners have met the requirements for this petition and standing need not be demonstrated.

However, Petitioner’s second and third requests for relief extend beyond the scope of Article V, Section 3(b)(1). The request that the Court hold that all “rules of procedure” must be enacted as authorizations would require the Court to impose a substantive legislative form rather than merely interpret constitutional text. Likewise, the request to clarify that procedural authorizations are reviewable under a specific standard would require the Court to prescribe a judicial standard of review, rather than identify constitutional meaning. These forms of relief fall outside the narrow interpretive authority conferred by Article V, Section 3(b)(1).

II. Analysis

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UNIVERSITY OF FLORIDA SUPREME COURT

Decided November 16, 2025

In re Interpretation of Student Body Statute 322.51's Constitutionality Under Article I, Section 4

GERKEN, J. delivers the opinion of the Court.

The Petitioners request that the Court interpret Student Body Statute 322.51 for the purpose of assessing whether it is constitutional under the Anti-Discrimination Clause, as set forth in Article I, Section 4 of the Student Body Constitution.

Jurisdiction and Standing

The Petitioners seek jurisdiction under Article V, Section 3(b)(1) of the Student Body Constitution, which provides that the Supreme Court “shall interpret any provision of the constitution or any law” upon the written petition of twenty members of the Student Body or the request of the Student Body President. Here, the Petitioners request an interpretation of Student Body Statute 322.51.

Statute 322.51 is clear on its face. It affords the Student Senate the ability to determine proper apportionment with the assistance of the Supervisor of Elections and the population data provided by the Registrar’s Office. Petitioner requests that the Court declare Student Body Statute 322.51 unconstitutional under the Anti-Discrimination Clause in Article I, Section 4 of the Constitution. The relief requested is not within the scope of Section 3(b)(1).

Conclusion

THEREFORE, this Court holds it lacks jurisdiction to proceed further with this matter. Accordingly, the petition is DISMISSED.

It is so ordered.

TURNER, C.J., POTTHAST, J., MILLER, J., and DEL TORO, J., concurring.

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UNIVERSITY OF FLORIDA SUPREME COURT Decided November 18, 2025

In re Arbitrary and Capricious Apportionment

DEL TORO, J. delivers the opinion of the Court.

This matter comes before the Court upon a petition filed under Article V, Section 3(b)(2) of the University of Florida Student Body Constitution (“UF Constitution”). Petitioner requests that the Court find the Senate Judiciary Committee’s approval of SSB 2025-1209 to be arbitrary and capricious. This Court refuses to substitute its judgement for that of the Judiciary Committee when the Committee’s judgement had a reasonable basis. This Court thus denies Petitioner’s requests for relief.

I. JURISDICTION

This Court has jurisdiction under Article V, Section 3(b)(2) of the UF Constitution, which provides the Supreme Court with authority to, “upon written petition of any member of the Student Body and for good cause shown, order any Student Government official or any officer of a student organization that receives Student Body funds to perform any lawful act or refrain or desist from an unlawful act.” An individual requesting an order under this provision must have standing and demonstrate “(1) a concrete injury, (2) traceable to the petitioner, and (3) redressable by this Court.”¹

II. BACKGROUND

On November 9, 2025, the Senate Judiciary Committee reviewed and approved SSB 2025-1209, *Reapportionment Act Fall 2026*. In deliberating SSB 2025-1209, the Judiciary Committee discussed the dataset of zip codes provided by the Office of the University Registrar. After debate, Petitioner moved to fail SSB 2025-1209 on the criteria of Implication.² This motion failed. The Judiciary Committee then passed SSB 2025-1209 by majority vote.

III. ANALYSIS

This Court noted in *In re Application of the Five Criteria to a Proposed Authorization*, that “[i]n instances where pursuant to a statute or the Constitution the SG official must make a subjective determination on whether to act or not—the Court will review the action or inaction to determine whether this decision was ‘arbitrary and capricious.’”

¹ *In re “Ortiz Standing,”* 3 S.C. 52, 52 (Sep. 11, 2020).

² See UF SENATE RULES AND PROCEDURES, Rule VII, § D(a)(i)(2) (2025).

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STARE DECISIS



Stare decisis

✓ Verified for the 2026 exam • Written by the Fiveable Content Team • Last updated September 2025

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Definition

Stare decisis is a legal principle that means 'to stand by things decided,' and it emphasizes the importance of precedent in the judicial decision-making process. This principle ensures that courts follow established case law when making decisions, promoting stability and predictability in the law. By adhering to previous rulings, courts reinforce the legitimacy of the judicial branch and maintain consistency in legal interpretations.

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Section 3. Apportionment.—The Student Senate shall reapportion itself once per year during the fall academic term to be effective for the spring academic term and subsequent fall academic term. The Student Senate shall determine the number of senators per class within the constitutional limits, provided that the spring and fall classes must have the same number of

senators during each apportionment year.

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CHAPTER 322 APPORTIONMENT (67-107, 72-118, 72-172, 72-183, 75-184, 77-123, 79-127, 80-180, 81-142, 82-147, 83-176, 84-104, 84-149, 87-150, 87-156, 87-164, 88-122, 89-122, 90-124, 90-149, 91-107, 91-131, 92-105, 92-129, 94-114, 94-115, 94-122, 95-121, 96-107, 96-130, 97-134, 98-102, 98-118, 99-101, 99-123, 2000-133, 2001-129, 2002-147, 2004-127, 2004-128, 2005-126, 2005-129, 2005-132, 2005-143, 2007-140, 2007-143, 2008-110, 2008-141, 2009-124, 2010-114, 2011-124, 2011-125, 2012-112, 2013-113, 2014-116, 2014-117, 2015-109, 2016-118, 2016-119, 2017-111, 2017-112, 2018-121, 2018-122, 2019-1092, 2019-1093, 2020-1022, 2020-1056, 2021-117, 2022-113, 2024-100, 2024-194, 2024-199).

- 322.51 The Student Senate shall determine the proper apportionment with assistance from the Supervisor of Elections and a printout of the student population according to zip codes and the colleges by classification from the Registrar's Office.

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Student Senate

3000 J. Wayne Reitz Union
PO Box 118505
Gainesville, FL 32611
352-392-1665

STUDENT SENATE BILL 2024-1525

TITLE: Fall 2024 Reapportionment Act

AUTHOR(S): Judiciary Chairman Aaron Rubaii

SPONSOR(S):

CHAPTER 322 APPORTIONMENT (67-107, 72-118, 72-172, 72-183, 75-184, 77-123, 79-127, 80-180, 81-142, 82-147, 83-176, 84-104, 84-149, 87-150, 87-156, 87-164, 88-122, 89-122, 90-124, 90-149, 91-107, 91-131, 92-105, 92-129, 94-114, 94-115, 94-122, 95-121, 96-107, 96-130, 97-134, 98-102, 98-118, 99-101, 99-123, 2000-133, 2001-129, 2002-147, 2004-127, 2004-128, 2005-126, 2005-129, 2005-132, 2005-143, 2007-140, 2007-143, 2008-110, 2008-141, 2009-124, 2010-114, 2011-124, 2011-125, 2012-112, 2013-113, 2014-116, 2014-117, 2015-109, 2016-118, 2016-119, 2017-111, 2017-112, 2018-121, 2018-122, 2019-1092, 2019-1093, 2020-1022, 2020-1056, 2021-117, 2022-113, 2024-100).

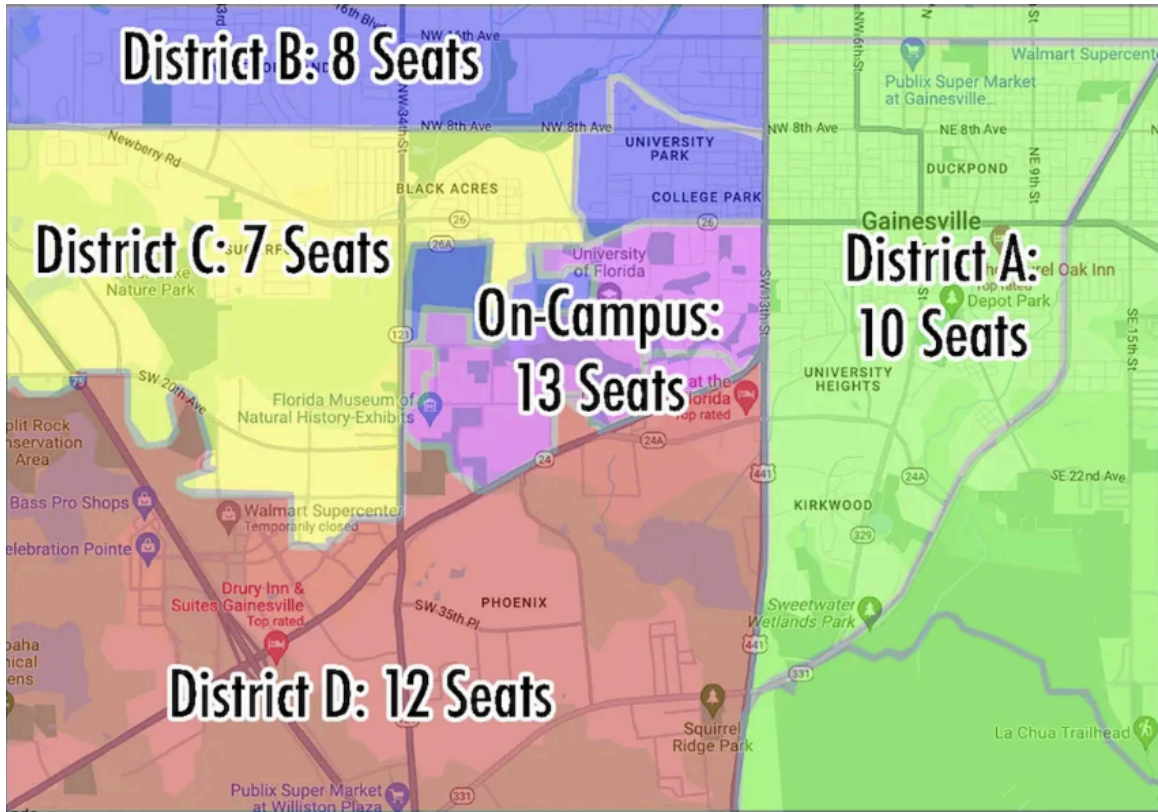
322.1 The fifty (50) members of the Student Senate elected in the Fall elections shall represent districts by residence.

322.11 Fall Student Senators must physically reside the majority of their time in the ~~location~~ ~~district~~ they seek to represent while attending the University of Florida at the time of their election or appointment.

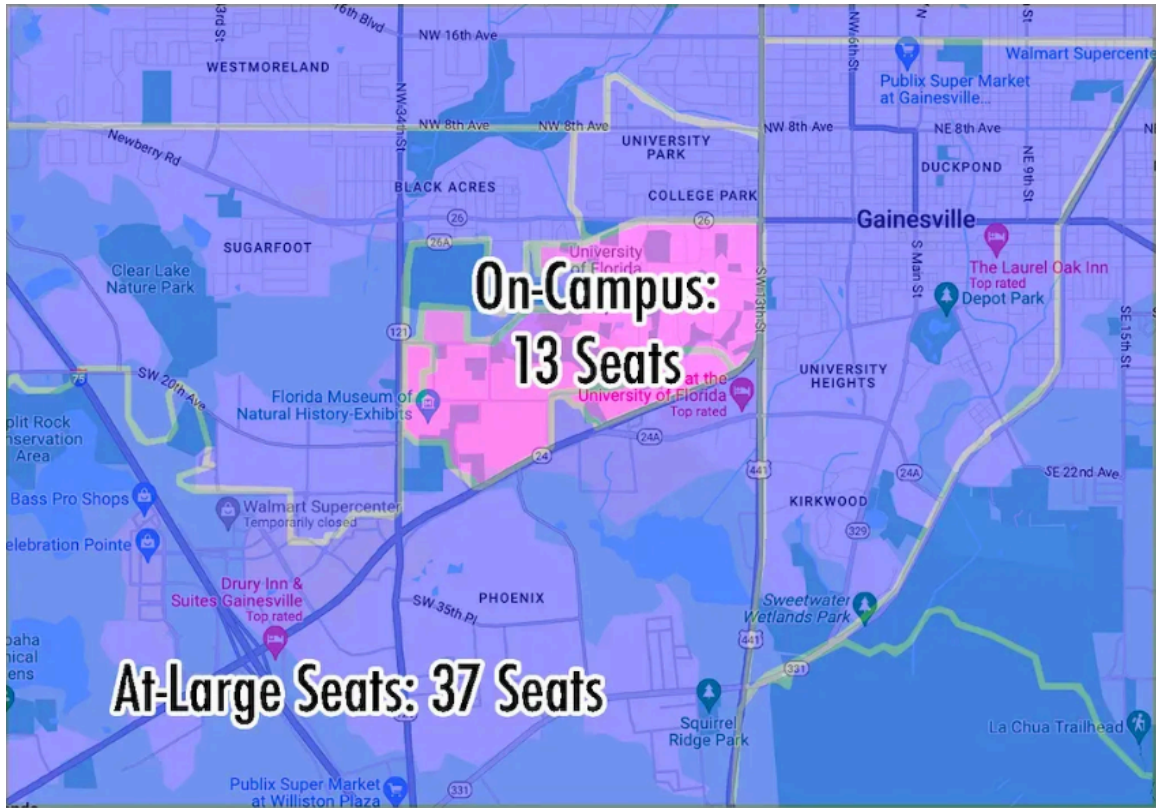
322.12 Fall Student Senators must continue to physically reside the majority of their time in the ~~location~~ ~~district~~ that they represent during their term of office, except as provided for in Section 340.12 (2), S.B.S.

322.13 For the period of time between the end of the Spring semester and the beginning of the Fall term, Student Senators may use the residence of their Spring semester to

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Section 4. Discrimination Prohibited.--- Student Government nor any organization that receives funds shall not discriminate on the basis of race, creed, color, religion, age, disability, sex, sexual orientation, gender identity and expression, marital status, national origin, political opinions or affiliations, veteran status or any other classification as provided by law.