



Council Bill

STUDENT GOVERNMENT COUNCIL · MODESTO A. MAIDIQUE CAMPUS

Agenda Item: SB1822 — GENERAL STATUTES REVISIONS

Date: January 7th, 2019;

Author: Senator Ariadna Natteri, Architecture & the Arts;

Committee: None;

Sponsors: Senator Mitra Ahmadinejad, Graduate; Senator Brandon Aquino, Arts, Science & Education;

A BILL TO AMEND ARTICLE II OF THE SGC-MMC STATUTES

Section I: Policy

The proposal outlined in this Council Bill are in compliance with the authority granted in Article III, Section 5.A of the Student Government Association Constitution;

This proposal amends the SGC-MMC Statutes starting with Article II, Section 2.01;

Section II: Terms

The following terms are defined as to ensure the legality of this bill:

A. "SGA" will hereby refer to the Student Government Association at Florida International University;

B. "SGC-MMC" refers to the Student Government Council of the Modesto A. Maidique Campus;

Section III: Bill

THEREFORE LET IT BE ENACTED

Section 2.01 Definitions

(a) Structure

(i) The Senate shall be comprised and apportioned as delineated by the SGA Constitution.

(ii) The SGC-MMC Vice President shall serve as the ex-officio non-voting President of the Senate.

(1) The SGC-MMC Vice President shall serve as chair of all Senate meetings until the Senate elects the Speaker of the Senate.

a) Should a tie occur, the SGC-MMC Vice President shall cast the tie-breaking vote.



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- 34 b) In the absence of the SGC-MMC Vice President, the SGC-MMC
35 President or their designee shall serve as chair until the Senate
36 elects the Speaker of the Senate.
37 i) The SGC-MMC President must notify in writing to all
38 members of the Senate and the SGA Advisor(s) regarding
39 whom will be their designee.
- 40 (a) The most recent edition of Black's Law Dictionary shall be used in understanding the
41 terms contained within the Student Body Statutes not otherwise defined in this section.
42 Should Black's Law Dictionary not include a term, the most recent edition of the
43 Merriam-Webster Dictionary shall be used.
- 44 (i) Agency
45 (1) An administrative division of the Executive Branch created to provide
46 goods and/or services to the entire Student Body. The service shall be
47 student oriented and shall be available for use by all students. The agency
48 will be held responsible for the administration of their budgets and
49 adherence to their purpose as outlined in these statutes. It shall be able to
50 establish separate identities from the SGC-MMC upon approval of the
51 SGC-MMC President.
- 52 (ii) Activity and Services Fee ~~funded entity~~
53 (1) The State of Florida has established a separate Activity and Service Fee.
54 This fee shall be collected as part of the student tuition as a dollar amount
55 per credit hour and shall be retained by the University and paid into a
56 separate A&S fund.
- 57 (iii) Committee
58 (1) The entities within the SGC-MMC Senate with a specific purpose as outlined in
59 these Statutes or through a council bill.
- 60 (iv) Conflict of interest
61 (1) A conflict of interest as identified by Sunshine Law, shall include, but
62 shall not be limited to, having an immediate blood, by marriage, or
63 through adoption relationship, business relationship, romantic relationship,
64 being a member of the organization directly affected, and/or being a
65 member of a board, commission or committee that is currently voting on
66 or will be voting on dissolving or instating the subject matter at hand. In
67 situations where it is too difficult to determine if there is a reasonable
68 conflict of interest, the Senate Speaker, Chief Justice, or Elections
69 Commissioner in each of their corresponding divisions shall make the



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final determination by distinguishing whether there are personal interests that might benefit from a member's vote.

(v) Council

- (1) An administrative division of the Executive Branch created to provide representation and programming to a particular and established interest group of the Florida International University. The Council will be held responsible for the administration of their budgets and adherence to their purpose as outlined in these statutes. It shall be able to establish separate identities from the SGC-MMC upon approval of the SGA-MMC President.

(vi) Executive Board

- (1) The leaders of the SGC-MMC: the President, Vice President, Speaker of the Senate, Speaker Pro Tempore, Comptroller, and the Chief Justice.

(vii) Malfeasance

- (1) The performance by a public official of an act that is legally unjustified, harmful, or contrary to law. Includes violation of the SGA Constitution and/or Statutes

(viii) Misfeasance

- (1) The wrongful performance of a normally lawful act.

(ix) Nonfeasance

- (1) The omission of some act that ought to have been performed.

(x) Senate Leadership

- (1) Senate Leadership shall be comprised of the Speaker, the Speaker Pro Tempore, and each of the Committee Chairs.

(xi) Student Government Official

- (1) Any official member of the Legislative, Executive, or Judicial Branch, or those other individuals as identified in these Statutes.

(xii) University Business Day

- (1) The day when the University is open for regular business operations (excluding legal holidays). The University's hours of business are from 8:00 A.M. to 5:00 P.M. Eastern Standard Time (EST)

Section 2.02 Logo

- (a) The logo of the Student Government Council - Modesto A. Maidique Campus shall be the official graphic representation of the SGC.

- (i) The logo and any subsequent changes to it must be approved by a simple majority of the Senate.



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106 **Section 2.03** Executive Board

- 107 (a) The Executive Board shall meet weekly ~~on a regularly regular basis~~ to discuss matters of
108 SGC-MMC leadership and assure inter-branch cooperation.

109 **Section 2.04** Florida State Statutes Compliance

110 (a) Activities and Service Fee Fund Allocation

- 111 (i) The SGC-MMC shall comply with Section 1009.24 State University Student Fees
112 of the Florida Statutes when fulfilling its duties and allocating the Activity and
113 Service Fee funds.

114 (b) Florida Sunshine Law

- 115 (i) The Student Government Council and SGC-MMC funded entities are bound by
116 Florida Sunshine Laws as defined by Title XIX Chapter 286 - Public Business of
117 the Florida Statutes.

118 **Section 2.05** Transparency and Accountability

119 (a) SGC-MMC Public Meetings and Records

- 120 (i) All Senate, Cabinet, and full council meetings of the Student Government Council at
121 Modesto A. Maidique Campus shall be video and/or audio recorded, with all recordings
122 posted online on the SGC-MMC website.
123 (ii) All signed legislation must be scanned, stored electronically, and be accessible
124 online
125 (1) Legislation must be scanned with the President's signature or veto.

126 **Section 2.06** Clerk of Council

- 127 (a) The Clerk of Council/Student Assistants shall be the official record keeper of the SGC-
128 MMC.

- 129 (b) The Clerk of Council/Student Assistants shall not be considered a member of any
130 constitutional branch, but shall be subject to the same requirements and oversight as any
131 SGC-MMC Official.

132 ~~(i) The Clerk shall be appointed by the President and confirmed by the Senate.~~

133 ~~(ii) The Clerk can be removed from office by the Senate through the impeachment~~
134 ~~and removal process and by the Judicial Branch.~~

- 135 (c) The Clerk of Council shall attend all Senate meetings, weekly Executive Branch
136 meetings, and University Wide Council Meetings when hosted by the SGC-MMC.

- 137 (i) The Clerk of Council shall be able to designate an individual to represent him/her
138 self at these functions.



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139 Section 2.07 Council Emoluments

- 140 (a) At the inception of the University Wide Budget Committee process, the President shall
141 submit an Emoluments Proposal, at which time the Senate shall review the proposed
142 emolument amounts for all branches and positions of the Student Government
143 Association (Legislative, Judiciary, and Executive).
144 (i) The Emoluments Proposal must be approved by a two-thirds (2/3) vote of the
145 Senate.
146 (b) Executive Cabinet emoluments shall not surpass the emoluments amounts of the Senators
147 with the exception of the SGC-MMC Comptroller and the SGC-MMC Chief of Staff.
148 (i) Exceptions may be made by Presidential request with the approval of a simple
149 majority of the Senate.
150 (c) Emoluments shall be made public to the student body on the SGA website as an
151 individual document at the commencement of each fiscal year.
152 (i) The document shall break down the pay per position per each SGC - MMC
153 Official under fully staffed conditions.
154 (ii) Should any positions be modified, added, or removed, the document shall be
155 updated.

156 Section 2.08 Oath of Office

- 157 (a) All SGC-MMC Officials, except the SGC-MMC President shall take the following oath
158 upon assumption of office:
159 (i) "I, (Officer's Full Name) do solemnly swear (or affirm) that I will support the
160 Constitution of the United States, the constitution and the laws of the state of
161 Florida, the Constitution and the laws of the Student Government Association of
162 Florida International University, and that I will bear true faith and allegiance to
163 the same; that I take this obligation freely, without any mental reservation or
164 purpose of evasion; and that I will well and faithfully discharge the duties of the
165 office on which I am about to enter, to the best of my ability, so help me God (or
166 on pain of impeachment).
167 (1) Candidates may choose to replace the words "so help me God" with "on
168 pain of impeachment," when taking the oath of office. The person
169 administering the oath shall inform the candidate of the option to change
170 the ending of the oath prior to the administration of the oath.
171 (ii) The Senior Vice President of Student Affairs, or their designee, shall administer
172 the oath of office to the SGC-MMC Vice President-elect.
173 (b) The SGC-MMC President shall take the following oath upon assumption of office:
174 (i) I, (Officer's Full Name), do solemnly swear (or affirm) that I will faithfully
175 execute the Office of the Student Body, and will to the best of my Ability preserve,
176 protect, and defend the Constitution of the United States, the State of Florida, the
177 Constitution of the Student Government Association, and the Florida



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International University Student Body, so help me God (or on pain of impeachment).

- (1) Candidates may choose to replace the words “so help me God” with “on pain of impeachment,” when taking the oath of office. The person administering the oath shall inform the candidate of the option to change the ending of the oath prior to the administration of the oath.
- (ii) The Senior Vice President of Student Affairs, or their designee, shall administer the oath of office to the SGC-MMC President-elect.

Section III: Enforcement

This Bill shall be presented to the Student Body, the Office of the Vice President of Student Affairs, and all relevant committees on behalf of the Student Body by the SGA;

Section IV: Enactment

This Bill and all its contents shall be the official law of the SGC-MMC upon passage by the SGC-MMC Senate and approval of the SGC-MMC Student Body President;

Section V: Implementation

Upon the enactment of this Bill, this shall be the official law of the SGC-MMC and shall make any prior legislation that conflicts with this legislation hereby null and void;

Upon the enactment of this Bill, the contents of the it shall be made incorporated into the SGC-MMC Statutes and those provisions of the SGC-MMC Statutes which contradict this Bill shall be made null and void;

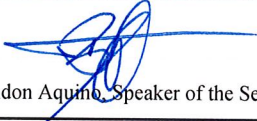
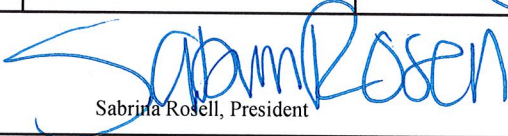
Upon the enactment of this Bill, all SGC-MMC Officials confirmed by the 35th Session of the SGC-MMC Senate but not administered the Oath of Office may elect to do.

SB1822		
THE 35TH SESSION OF THE SGC-MMC SENATE		
IN FAVOR OF <u>21</u>	AGAINST <u>0</u>	ABSTENTIONS <u>0</u>
AMENDMENTS: <u>NONE</u>		
DATE <u>1/7/19</u>	<u>PASS</u>	FAIL



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 Brandon Aquino, Speaker of the Senate		
Ariadna Naterri, Author		Victoria Larson, RLJC Chair
PRESIDENTIAL RULING	ENACT	VETO
 Sabrina Rosell, President		



AMENDMENT SUBMISSION FORM

BILL NUMBER: SB 1822

COSPONSORS: Senator Victoria Larson, Senator Leila Zahedi

AMENDER CONTACT: Mitra Ahmadinejad

AMENDER PHONE NUMBER: 9548429994

AMENDER FIU EMAIL: mahma024@fiu.edu

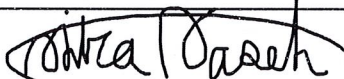
AMENDMENT NUMBER: A01

AMENDMENT DATE: 01/28/2019

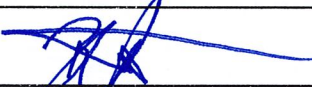
DOES THE AMENDER WISH TO TESTIFY? YES ☒ NO ☐

IS THIS A REVISION? YES ☐ NO ☒

if yes, please provide original Amendment Number



AMENDER SIGNATURE



SPEAKER SIGNATURE



RLJ CHAIR SIGNATURE

AN AMENDMENT TO SB1822

Section 2.08 Oath of Office

- (a) All SGC-MMC Officials, except the SGC-MMC President shall take one of the following oaths upon assumption of office:
- (i) "I, (Officer's Full Name) do solemnly swear ~~(or affirm)~~ that I will support the Constitution of the United States, the constitution and the laws of the state of Florida, the Constitution and the laws of the Student Government Association of Florida International University, and that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter, to the best of my ability, so help me God ~~(or on pain of impeachment)~~.
- (ii) Or, "I, (Officer's Full Name) affirm that I will support the Constitution of the United States, the constitution and the laws of the state of Florida, the Constitution and the laws of the Student Government Association of Florida International University, and that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter, to the best of my ability.
- (1) — Candidates may choose to replace the words "so help me God" with "on pain of impeachment," when taking the oath of office. The person administering the oath shall inform the candidate of the option to change the ending of the oath prior to the administration of the oath.
- (iii) The Senior Vice President of Student Affairs, or their designee, shall administer the oath of office to the SGC-MMC Vice President-elect.
- (b) The SGC-MMC President shall take one of the following oaths upon assumption of office:
- (i) I, (Officer's Full Name), do solemnly swear ~~(or affirm)~~ that I will faithfully execute the Office of the Student Body, and will to the best of my Ability preserve, protect, and defend the Constitution of the United States, the State of Florida, the Constitution of the Student Government Association, and the Florida International University Student Body, so help me God ~~(or on pain of impeachment)~~.
- (ii) Or, "I, (Officer's Full Name) affirm that I will support the Constitution of the United States, the constitution and the laws of the state of Florida, the Constitution and the laws of the Student Government Association of Florida International University, and that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter, to the best of my ability.
- (1) — Candidates may choose to replace the words "so help me God" with "on pain of impeachment," when taking the oath of office. The person administering the oath shall inform the candidate of the option to change the ending of the oath prior to the administration of the oath.

DATE: 1/28/19

SB1822 A01

VOTE: YAY 22

NAY 1

ABSTAIN 0

AN AMENDMENT TO SB1822

- (iii) The Senior Vice President of Student Affairs, or their designee, shall administer the oath of office to the SGC-MMC President-elect.

Section 2.08 Oath of Office

- (b) The SGC-MMC President shall take one of the following oaths upon assumption of office:

(i) *I, (Officer's Full Name), do solemnly swear (~~or affirm~~) that I will faithfully execute the Office of the Student Body, and will to the best of my Ability preserve, protect, and defend the Constitution of the United States, the State of Florida, the Constitution of the Student Government Association, and the Florida International University Student Body, so help me God (~~or on pain of impeachment~~).*

(ii) Or, "I, (Officer's Full Name) affirm that I will support the Constitution of the United States, the constitution and the laws of the state of Florida, the Constitution and the laws of the Student Government Association of Florida International University, and that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter, to the best of my ability.

(1) — Candidates may choose to replace the words "so help me God" with "on pain of impeachment," when taking the oath of office. The person administering the oath shall inform the candidate of the option to change the ending of the oath prior to the administration of the oath.

- (iii) The Senior Vice President of Student Affairs, or their designee, shall administer the oath of office to the SGC-MMC President-elect.

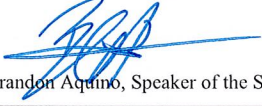

DATE: 1/23/19

SB1822 A01

VOTE: YAY 22

NAY 1

ABSTAIN 0

SB1822		
THE 35TH SESSION OF THE SGC-MMC SENATE		
IN FAVOR OF <u>22</u>	AGAINST <u>1</u>	ABSTENTIONS <u>0</u>
AMENDMENTS: A01 [APPROVED – 22-01-00]		
DATE <u>1/29/19</u>	<u>PASS</u>	FAIL
 Brandon Aquino, Speaker of the Senate		
PRESIDENTIAL RULING	<u>ENACT</u>	VETO
DATE <u>2/4/19</u>		
 Sabrina Rosell, President		