

**IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA
CIVIL DIVISION**

KNIGHT NEWS, INC.,
a Florida corporation,
Petitioner,

Case No: _____

v.

**IMMEDIATE HEARING
REQUESTED PURSUANT TO
§ 119.11(1), FLA. STAT.**

THE UNIVERSITY OF CENTRAL
FLORIDA BOARD OF TRUSTEES,
an agency of the State of Florida,
Respondent. /

**PETITION FOR WRIT OF MANDAMUS,
DECLARATORY RELIEF AND PERMANENT INJUNCTION**

Petitioner KNIGHT NEWS, INC. (“**Knight News**”) hereby sues Respondent THE UNIVERSITY OF CENTRAL FLORIDA BOARD OF TRUSTEES (“**UCF**”). In support thereof, Knight News alleges as follows:

**EX PARTE MOTION FOR ALTERNATIVE WRIT OF MANDAMUS
AND IMMEDIATE FINAL HEARING**

Knight News moves *ex parte*, based on the allegations and argument herein, for an alternative writ of mandamus ordering UCF to immediately disclose the public records identified in Counts I and II or show cause why its failure to disclose those records is lawful. Knight News also requests an immediate hearing schedule as required by the Public Records Act. § 119.11(1), Fla. Stat.

INTRODUCTION

*“News delayed is news denied.”*¹

1. This is the third in a series of related Knight News lawsuits challenging UCF’s illegal and incremental attempts to shield its student government from any public scrutiny whatsoever. Two other known related cases are pending in Florida’s courts.² In all five cases, the state university system is attempting, among other things, to shield itself from any liability at all in cases involving student government under seemingly any legal theory.

2. As for Petitioner’s cases, *Knight News I* involves student government records, among other things. *Knight News II* involves student government election meetings. In this case, *Knight News III*, Petitioner is challenging UCF’s multiple violations of the Sunshine Law and Public Records Act during its recent allocation of an almost \$20 million budget of state funds through the UCF Student Government Association (“SGA”) for the 2016-2017 fiscal year. The other two related cases, *Milich* and *Bruno*, involve candidates for student government presidencies challenging their universities’ alleged election misconduct.

¹ *State ex rel. Miami Herald Pub. v. McIntosh*, 340 So. 2d 904, 910 (Fla. 1976).

² *See* Notice of Related Cases, filed herewith.

3. Here, UCF unlawfully failed to permit inspection of budget-related public records after multiple Knight News requests. UCF also unlawfully held budget committee meetings outside the Sunshine and illegally shut off public comment at an unusual Student Senate meeting concerning the budget, which passed. UCF's president, Dr. John C. Hitt, and SGA President Cait Zona then signed the budget, thereby taking UCF's final actions to approve the budget and budgeting process.

4. UCF may not allocate state funds through the SGA budget in star chambers shielded from public scrutiny and comment.

5. UCF has engaged in illegal obfuscations, delays, and public repressions while pushing through the 2016-2017 SGA budget. These actions are an apparent attempt to delay scrutiny until the budgeting process has faded into history and this matter of great public importance becomes less newsworthy.

JURISDICTION

6. This Court has jurisdiction because this is a petition for writ of mandamus, declaratory relief, injunctive relief, costs and reasonable attorneys' fees arising from UCF's violations of Chapter 119, Florida Statutes (the "**Public Records Act**") and Chapter 286, Florida Statutes, (the "**Sunshine Law**"). Jurisdiction is proper under Article V, Section 5 of the Florida Constitution,

Sections 86.011, 119.11 and 286.011 Florida Statutes, and Rule 1.630, Florida Rules of Civil Procedure.

VENUE

7. Venue in this Court is proper because UCF is located in and conducts its business in Orange County, Florida, and because the causes of action alleged herein accrued in that county. § 47.011, Fla. Stat.

PARTIES

8. Petitioner Knight News is a non-profit 501(c)(3) Florida corporation with its principal place of business in Orange County, Florida. Knight News is an independent, award-winning, student-run, online, multimedia news organization serving the UCF community. *See* <http://www.knightnews.com>.

9. Respondent UCF Board of Trustees is an agency of the State of Florida, is a “part of the executive branch of state government,” and must administer UCF in accordance with both Florida law and the regulations promulgated by the state’s Board of Governors. §§ 1001.71(1, 3), 1001.706(2), Fla. Stat.

10. UCF is subject to the Public Records Act, the Sunshine Law, and Article I, section 24 of the Florida Constitution. Its Board of Trustees can sue or be sued in its own name. §§ 1001.72(1-2), Fla. Stat.

11. UCF has ultimate authority and control over the records and meetings complained of herein.

UCF'S STUDENT GOVERNMENT ASSOCIATION

12. SGA is subject in some ways to the ultimate authority and control of UCF's administration. §§ 1001.71, 1004.26, Fla. Stat.; UCF Reg. 5.0021(1)(a). However, SGA is self-governing.³

13. SGA officials have been delegated "some part of the sovereign power of the state" and "exercise distinctly governmental functions." *See State v. Jones*, 84 So. 84, 85-86 (Fla. 1920).

14. Student governments in Florida control multi-million dollar public budgets and are vested with "large, and within the scope of the purpose of their creation almost unlimited, powers of a distinctly governmental character." *See id.*

15. "[Florida student governments] are given authority to provide and

³ *See* § 1004.26(2), Fla Stat. (2012) ("Each student government shall be organized and maintained by students . . ."); Fla. BOG Reg. 6.014(2) (same); § 1004.26(3), Fla. Stat. (2012) (requiring each student government to adopt its own "internal procedures"); Fla. BOG Reg. 6.014(4) (same); § 1004.26(4)(a), Fla. Stat. (2012) ("The . . . suspension, removal and discipline of officers of the student government shall be determined by student government as prescribed by its internal procedures."); Fla. BOG Reg. 6.014(6) (same); UCF Reg. 1.017 (student government is "self-governing"). A student government can "remove [its officers] from office or employment or reinstate them in office or employment at its sole will and pleasure." *See Jones*, 84 So. at 85-86.

determine their own method of procedure and rules of order[.]” *See id.*

16. SGA, like all student governments in the state university system, has three branches: a legislature, a judiciary and an executive. Fla. Stat. § 1004.26(2); Art. II-IV, UCF Student Body Const.; Tit. III-V, UCF Student Body Stat.

17. The SGA Student Senate is a representative body elected by UCF’s students. *See Fla. Stat. § 1004.26(2).* The Senate each year, among other things, decides what programs will be funded from SGA’s treasury of state A&S Fee funds. Art. II sec. 5, UCF Student Body Const.

18. The SGA Judicial Council is appointed by the SGA president with advice and consent from the Student Senate. Art. II sec. 5(E), Art. III sec. 3(B) UCF Student Body Const. The Judicial Council is empowered to “protect[] student rights,” “examine legislative and executive acts,” and hear cases involving the Student Body Statutes and UCF Student Body Constitution. Art. IV sec. 3, UCF Student Body Const.

19. UCF students also elect a president and vice president. “All executive powers and those powers not specifically granted [by the UCF Student Body Constitution are] vested in the Student Body President . . .” Art. III sec. 1, UCF Student Body Const.

20. The SGA president also is a member of the UCF Board of Trustees,

which hires and fires the university's president. § 1001.71(1), Fla. Stat. An elected student government president also is a member of the state Board of Governors. *See* § 1001.70(1), Fla. Stat.

21. There is no exemption to the Public Records Act or Sunshine Law for student government records or meetings. SGA is subject to Florida open government law both in and of itself and because it is "part of the university," § 1004.26, Fla. Stat. That is, UCF itself is subject to the Public Records Act and Sunshine Law and cannot delegate away those responsibilities.

22. In fact, SGA redundantly self-imposed Florida open government laws. § 1201.1, UCF Student Body Stat. ("Student Government meetings are public meetings that must be held in compliance with the provisions of the Sunshine Law and Florida Statutes."); § 1202.1, UCF Student Body Stat. ("All individuals requesting to inspect or obtain copies of public records from Student Government shall be permitted to do so as specified in the Public Records Act in Florida Statutes."). The public is entitled to rely on student government's lawfully enacted rules and statutes.

SGA'S A&S FEE BUDGETING PROCESS

23. SGA is funded by an Activity & Service Fee ("**A&S Fee**") paid by all UCF students as part of their tuition. §§ 1009.24(9-10), Fla. Stat. All Florida

universities are required to set an A&S Fee to fund their student governments. § 1009.24(10)(a), Fla. Stat. “The allocation and expenditure of the fund shall be determined by the student government association of the university[.]” § 1009.24(10)(b), Fla. Stat.

24. SGA’s A&S Fee funds are deposited in accounts kept by the UCF Finance and Accounting Office, and all contracts, purchases, appointments and payments to personnel from the treasury must be in accordance with UCF regulations. UCF Reg. 5.0021(1)(e). The 2015-2016 SGA budget totaled \$18.6 million in state funds.

25. The Florida Supreme Court stated that A&S Fees are “state funds.” “University tuition and fees are unquestionably state funds; they are collected by state universities for the use of their services . . .” *Graham v. Haridopolos*, 75 So. 3d 315, 318 (Fla. 1st DCA 2011) (quoted by *Graham v. Haridopolos*, 108 So. 3d 597, 607 (Fla. 2013)). That the A&S Fees collected are kept in UCF trust accounts is irrelevant. The Supreme Court explained, “a trust fund [for university tuition and fees] is, at its essence, nothing more than an accounting tool used to segregate monies within the State Treasury.” *Graham*, 108 So. 3d at 607 (quoting *Graham*, 75 So. 3d at 318-19).

26. SGA established an A&S Fee Budget Committee (the “**Budget**

Committee) to “recommend[] to the Student Senate a budget for the allocation of the next fiscal year’s A&SF Funds.” § 803.1, UCF Student Body Stat.

27. The Budget Committee created “A&SF Budget Request Forms” (“**Budget Requests**”) and promulgated its internal rules for considering “funding for Student Government and affiliated Agencies & Departments[.]” *See generally* “A&SF Committee Rules & Guidelines,” attached as **Exhibit “A”** and incorporated as if fully set forth herein.⁴

28. The Budget Committee’s rules require that its meetings be conducted

⁴ These materials came from a Web site maintained by a Florida state agency, UCF, and the contents thereon, and other Web site contents cited herein, cannot be reasonably questioned and therefore should be accepted upon judicial notice. “Many Florida appellate courts have taken judicial notice of internet materials,” *Oken v. Williams*, 23 So. 3d 140, fn. 2 (Fla. 1st DCA 2009), and so have the federal courts. *Laborers’ Pension Fund v. Blackmore Sewer Constr., Inc.*, 298 F. 3d 600, 607 (7th Cir. 2002) (taking judicial notice of information contained on the FDIC official web site); see also, *U.S. v. Behmanshah*, 49 Fed. Appx. 372 (3d Cir. 2002) (taking judicial notice of SEC filings readily available on Westlaw). Similarly, both the Florida and federal courts allow for the taking of judicial notice on appeal. *Gonzalez v. Chase Home Finance, LLC*, 37 So. 3d 955, 958 (Fla. 3d DCA 2010); *Denius v. Dunlap*, 330 F. 3d 919 (7th Cir. 2003) (“judicial notice may be taken at any time, including on appeal”); *In re Indian Palms Assocs., Ltd.*, 61 F. 3d 197, 205 (3d Cir. 1995). The Florida Supreme Court confirmed both conclusions in one opinion when it held that the trial court erred by not taking judicial notice of an official record of a federal agency and, further, that “the District Court [also] had the authority to take judicial notice of this” record. *Freimuth v. State*, 272 So. 2d 473, 475 (Fla. 1972).

Knight News therefore moves that all attached Web site materials be accepted as evidence upon judicial notice.

in the sunshine. Ex. A, at I(A). The rules also require electronic submission of all Budget Requests. *Id.*, at IV(B).

29. The Student Body Statutes provide that “[t]he Student Body shall have full access to all documentation relating to the A&SF budgeting process . . .” § 803.10, UCF Student Body Stat.

THE CHALLENGED 2016-2017 A&S FEE BUDGETING PROCESS

I. The Budget Requests Are In Electronic Format

30. SGA began its budgeting process for the 2016-2017 fiscal year in late 2015. The deadline for SGA, its departments and its affiliates to submit their Budget Requests elapsed on November 30, 2015, according to the Budget Committee’s December 3, 2015 minutes, attached as **Exhibit “B”** and incorporated as if fully set forth herein.

31. During the December 3, 2015 meeting, the Budget Committee chairperson informed the committee that he would “have flash drives with request packets and the total budget so you can have it for yourself. The flash drives I will have next week, so I will contact you to give it to you.” Ex. B.

II. The Budget Committee Met Unlawfully Outside the Sunshine

32. Final exams at UCF ended on December 15, 2015. UCF closed its dormitories for winter break at noon the next day, December 16, 2015. UCF’s fall

2015 Academic Calendar is attached at **Exhibit “C”** and incorporated as if fully set forth herein.

33. That is when the Budget Committee had its meetings—December 16, 17 and 18, 2015, while most students were gone for winter break and after many were forced from their on-campus housing. Those students would have had to find a hotel or other accommodation if they wanted to attend the Budget Committee meetings. Such an encumbrance likely is why the Senate adopted Rule 4.01, UCF Student Senate Rules, which prohibits Senate and committee meetings “on official University holidays.” UCF Student Rule 4 is attached as **Exhibit “D”** and incorporated as if fully set forth herein. *See also Rhea v. School Bd. of Alachua County*, 636 So. 2d 1383, 1386 (Fla. 1st DCA 1994) (“[t]he interests of the public in having a reasonable opportunity to attend a Board workshop must be balanced against the Board’s need to conduct a workshop at a site beyond the county boundaries.”).

34. Among these UCF students was a Knight News reporter, Mr. Michael Williams. Mr. Williams covers student government for Knight News and lives in UCF’s on-campus housing. Mr. Williams would have attended the Budget Committee meetings but was unable to because his dormitory was closed for UCF’s winter break. Mr. Williams’s declaration is attached as **Exhibit “E”** and

incorporated as if fully set forth herein.

35. UCF Student Senator Jacob Milich, who attended the meeting, also has testified to the same facts. His declaration is attached as **Exhibit “H”** and incorporated as if fully set forth herein.

III. UCF Unlawfully Failed to Disclose the A&S Fee Budget Database

36. On March 30, 2016, Knight News editor Brigitte Snedeker requested a copy of “the SGA A&SF financial database in electronic format.” Ms. Snedeker’s declaration is attached as **Exhibit “F”** and incorporated as if fully set forth herein. Knight News’s public records request is attached as **Exhibit “F-1,”** to Ms. Snedeker’s declaration and also incorporated as if fully set forth herein.

37. UCF the same day acknowledged Knight News’s request for the “**A&S Fee Database,**” and the request was forwarded to two others at UCF to “assist [Knight News] with this request.” UCF’s acknowledgement and internal forwarding of the request is attached as **Exhibit “F-2,”** to Ms. Snedeker’s declaration and incorporated as if fully set forth herein.

38. UCF to date has neither produced the A&S Fee Database nor provided any lawful basis for not producing the requested public record.

IV. UCF Unlawfully Failed to Disclose the Budget Requests

39. On April 7, 2016, Knight News reporter Michael Williams requested

from UCF the Budget Requests “from each department or agency funded by the A&S Fee.” Knight News’s public records request is attached as **Exhibit “E-1”** to Mr. Williams’s declaration and also incorporated as if fully set forth herein.

40. UCF did not acknowledge or respond to the records request, so on April 12, 2016, Mr. Williams followed up: “Can you please help make sure I am provided the requested records?” Knight News’s follow-up public records request is attached as **Exhibit “E-2”** to Mr. Williams’s declaration and also incorporated as if fully set forth herein.

41. UCF to date has neither produced the Budget Requests nor provided any lawful basis for not producing the requested public records.

V. The Student Senate Unlawfully Prohibited Public Comment

42. The Student Senate passed the Budget Committee’s proposed budget on April 7, 2016. The Student Senate took the unusual action of prohibiting public comment at the April 7, 2016 meeting. As set forth in Sen. Milich’s declaration, Ex. H, public comment is typically permitted during Student Senate meetings. § 286.0114(2), Fla Stat.; Ex. G; § 1201.1, UCF Student Body Stat.; Rule 4.03(F), UCF Student Senate Rules.

43. Knight News is aware that at least two members of the public intended but were not permitted to make comments during the time typically

designated by the Student Senate for public comment.

44. First, Knight News reporter Michael Williams hoped to make comment at the meeting but was not permitted. Ex. E. Second, non-party Jeffrey Koepfel hoped to make comment at the meeting but also was not permitted. Mr. Koepfel's affidavit is attached as **Exhibit "G"** and incorporated as if fully set forth herein.

45. UCF Student Senator Jacob Milich, who attended the meeting, also has testified to the same facts as well as the unusual procedures employed that day by the Senate when voting on the budget and related matters. Ex. H.

GENERAL ALLEGATIONS

I. Florida's Public Records Act

46. Section 119.011, Florida Statutes, defines "public records" which are open to inspection as "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business of any agency."

47. The documents requested, as described in this petition, were made or received by UCF in connection with the transaction of SGA's official business and were prepared with the intent to communicate, perpetuate or formalize knowledge.

Therefore, these documents constitute public records within the meaning of Section 119.011, Florida Statutes.

48. Knight News has a clear legal and constitutional right to inspect all portions of public records to which no statutory exemption applies. Art. I, § 24(a), Fla. Const.; Fla. Stat. § 119.07(1)(a).

49. As a custodian of public records, UCF has a mandatory and non-discretionary duty to permit the inspection of all non-exempt public records and bears the burden of proving an exemption. Fla. Stat. § 119.07(1).

50. UCF stated no exemption to producing the requested public records.

51. UCF has breached its duty to permit the timely inspection of requested public records.

52. Knight News is entitled to and seeks an immediate hearing pursuant to Section 119.11, Florida Statutes, which provides: “Whenever an action is filed to enforce the provisions of this chapter, the court shall set an immediate hearing, giving the case priority over other pending cases.” See *Salvador v. Fennelly*, 593 So. 2d 1091, 1093 (Fla. 4th DCA 1992) (rejecting agency’s suggestion that “immediate” under s. 119.11(1) meant a reasonable period of time in the absence of an identifiable emergency). See also *Woodfaulk v. State*, 935 So. 2d 1225, 1227 (Fla. 5th DCA 2006).

53. Section 119.12, Florida Statutes, provides:

If a civil action is filed against an agency to enforce the provisions of this chapter and if the court determines that such agency unlawfully refused to permit a public record to be inspected or copied, the court shall assess and award, against the agency responsible, the reasonable costs of enforcement including reasonable attorneys' fees.

54. Accordingly, should Knight News prevail in this action on its public records claims, it is entitled to costs and attorneys' fees.

II. Florida's Sunshine Law

55. Section 286.011(1), Florida Statutes, provides:

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, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting.

56. Section 286.0114(2), Florida Statutes, provides: "Members of the public shall be given a reasonable opportunity to be heard on a proposition before a board or commission."

57. Knight News and the public have a clear legal and constitutional right to access to public meetings where decisions are made, such as those of SGA's Student Senate and its Budget Committee. Knight News and the public also have a

clear legal right to comment at public meetings.

58. "[I]t is the entire decision-making process that the legislature intended to affect by the enactment of the statute before us Every step in the decision-making process, including the decision itself, is a necessary preliminary to formal action. It follows that each such step constitutes an 'official act,' an indispensable requisite to 'formal action,' within the meaning of the act." *Times Publishing Co. v. Williams*, 222 So.2d 470, 473 (Fla. 2d DCA 1969).

59. UCF has a mandatory and non-discretionary duty to provide the public with a reasonable opportunity to attend and be heard at public meetings and bears the burden of proving an exemption.

60. Section 286.011(4), Florida Statutes provides:

Whenever an action has been filed against any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision to enforce the provisions of this section or to invalidate the actions of any such board, commission, agency, or authority, which action was taken in violation of this section, and the court determines that the defendant or defendants to such action acted in violation of this section, the court shall assess a reasonable attorney's fee against such agency. . .

Accordingly, should Knight News prevail in this action, it is entitled to an award of costs and reasonable attorneys' fees.

* * *

61. Knight News has no adequate remedy at law.

62. Knight News has a substantial likelihood of success on the merits.

63. All conditions precedent to this action have been met, sustained, or waived by UCF's actions as alleged herein.

64. Knight News has incurred costs in pursuing this action, retained the undersigned counsel to represent its interests, and is obligated to pay a reasonable fee for the undersigned's legal services.

COUNT I – PETITION FOR WRIT OF MANDAMUS
[Request for A&S Fee Database]

65. This is an action by Knight News against UCF for a writ mandamus to correct its failure to disclose the A&S Fee Database upon request pursuant to the Public Records Act. *See* § 119.01, *et seq.*, Fla. Stat.

66. The allegations contained within paragraphs 1 through 29, 36 through 38, 46 through 54, and 61 through 64, *supra*, are hereby incorporated by Knight News as if fully set forth herein.

67. This cause of action is alleged additionally and alternatively to the other causes of action set forth herein.

68. Section 119.07(1)(a), Florida Statutes, provides:

Every person who has custody of a public record shall

permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records.

69. UCF has a ministerial, non-discretionary duty to produce records pursuant to public records requests.

70. UCF has failed, despite a written request, to produce public records, specifically the A&S Fee Database.

71. At minimum, the requested records were not produced within the “limited reasonable time allowed the custodian to retrieve the record and delete those portions of the record the custodian asserts are exempt.” *Tribune Company v. Cannella*, 458 So. 2d 1075, 1079 (Fla. 1984).

72. UCF has not asserted that any exemptions to the Public Records Act apply to Knight News’s request.

73. Mandamus is the appropriate remedy to enforce violations of the public records law. *See Smith v. State*, 696 So. 2d 814, 816 (Fla. 2d DCA 1997).

74. Knight News is entitled to and seeks the issuance of an alternative writ of mandamus ordering UCF to either produce the requested records or show cause why a writ of mandamus should not be issued granting the relief requested herein. Fla. R. Civ. P. 1.630(d).

COUNT II – PETITION FOR WRIT OF MANDAMUS
[Request for SGA Budget Requests]

75. This is an action by Knight News against UCF for a writ for a writ mandamus to correct its failure to disclose the SGA Budget Requests upon request pursuant to the Public Records Act.

76. The allegations contained within paragraphs 1 through 31, 39 through 41, 46 through 54, and 61 through 64, *supra*, are hereby incorporated by Knight News as if fully set forth herein.

77. This cause of action is alleged additionally and alternatively to the other causes of action set forth herein.

78. Section 119.07(1)(a), Florida Statutes, provides:

Every person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records.

79. UCF has a ministerial, non-discretionary duty to produce records pursuant to requested public records.

80. UCF has failed, despite a written request, to produce public records, specifically the SGA Budget Requests.

81. At minimum, the requested records were not produced within the “limited reasonable time allowed the custodian to retrieve the record and delete

those portions of the record the custodian asserts are exempt." *Tribune Company v. Cannella*, 458 So. 2d 1075, 1079 (Fla. 1984).

82. UCF has not asserted that any exemptions to the Public Records Act apply to Knight News's request.

83. Mandamus is the appropriate remedy to enforce violations of the Public Records Act. *See Smith v. State*, 696 So. 2d 814, 816 (Fla. 2d DCA 1997).

84. Knight News is entitled to and seeks the issuance of an alternative writ of mandamus ordering UCF to either produce the requested records or show cause why a writ of mandamus should not be issued granting the relief requested herein. Fla. R. Civ. P. 1.630(d).

COUNT III – DECLARATORY RELIEF
[A&S Fee Committee Meetings Held Illegally Outside the Sunshine]

85. This is an action by Knight News against UCF for a declaratory judgment. *See* §§ 86.011, 286.011, Fla. Stat.

86. The allegations contained within paragraphs 1 through 29, 32 through 35 and 55 through 64, *supra*, are hereby incorporated by Knight News as if fully set forth herein.

87. This cause of action is alleged in additionally and alternatively to the other causes of action alleged herein.

88. UCF violated the Sunshine Law by holding its A&S Fee Committee

hearings outside of the school year, when classes were not in session, final exams had concluded and the students had been evicted from their dormitories.

89. Conducting “public” meetings at a time or place that unreasonably restricts the board or commission’s constituency’s access amounts to holding a secret meeting and therefore is prohibited. If the public has no reasonable opportunity to attend the meeting, the Sunshine Law is violated. *See, e.g., Bigelow v. Howze*, 291 So. 2d 645, 647-48 (Fla. 2d DCA 1974); *Rhea*, 636 So. 2d at 1383.

90. Any board or commission that acts outside the sunshine risks having their actions declared null and void *ab initio*. § 286.011(1), Fla. Stat. There is a bona fide, actual and present need for a judicial declaration concerning the validity of the A&S Fee Committee’s actions. There also is a bona fide, actual and present need for a judicial declaration of Knight News’s and the public’s right to attend SGA meetings, including those of the A&S Fee Committee.

91. The declarations sought deal with a present, ascertained set of facts and a present controversy concerning that set of facts.

92. The rights of Knight News and the public are dependent upon the aforementioned set of facts and the law applicable to those facts.

93. Knight News and UCF have an actual, present, adverse and antagonistic interest in the subject matter of this action.

94. The relief sought herein is not merely the giving of legal advice by the court or the satisfaction of mere curiosity.

COUNT IV – PERMANENT MANDATORY INJUNCTION
[UCF’s Student Senate Must Permit Lawful Public Comment]

95. This is an action by Knight News against UCF for a permanent mandatory injunction to enforce Section 286.0114, Florida Statutes. *See* § 286.0114(6), Fla. Stat.

96. The allegations contained within paragraphs 1 through 29, 42 through 45 and 55 through 64, *supra*, are hereby incorporated by Knight News as if fully set forth herein.

97. This cause of action is alleged in additionally and alternatively to the other causes of action alleged herein.

98. Knight News and the public have a clear legal right to participate in SGA meetings, including those of the Student Senate. The existence of this clear legal right is free from reasonable doubt.

99. The Student Senate violated both Section 286.0114, Florida Statutes, and its own rules by refusing to allow public comment at the April 7, 2016 meeting concerning the A&S Fee budget. § 286.0114(2), Fla Stat.; Ex. G; § 1201.1, UCF Student Body Stat.; Rule 4.03(F), UCF Student Senate Rules.

100. Knight News and the public will suffer irreparable harm if a

permanent mandatory injunction is not issued directing UCF to allow public participation consistent with the law at Student Senate meetings. *See* §§ 286.0114(2, 4), Fla. Stat.

101. The threatened injury to Knight News and the public—being denied the right to lawfully participate in public meetings—outweighs any threatened harm that the requested injunction may cause UCF, particularly in light of the fact that the Student Senate’s own rules and traditions already require time for public comment.

102. Injunctive relief is proper upon an appropriate showing for a violation of the Sunshine Law which, in and of itself, constitutes irreparable injury to Knight News and the public.

103. The injunction sought by Knight News will not disserve the public interest. It will serve the public interest by giving effect to the mandates of the Florida Constitution and state legislature that the public be permitted to participate in government meetings.

WHEREFORE, Plaintiff KNIGHT NEWS, INC., respectfully requests that this Court:

A. Enter on an *ex parte* basis an alternative writ of mandamus ordering UCF to either disclose the requested public records or show cause why it need not

disclose the records;

B. Set an immediate final hearing on at least Counts I and II;

C. Enter a peremptory writ of mandamus ordering UCF to produce the requested public records;

D. Declare that UCF violated the Sunshine Law by holding the A&S Fee Committee meetings in the manner complained of herein and so therefore the Committee's actions at those meetings are null and void *ab initio*;

E. Enter an injunction requiring the UCF Student Senate to permit public comment during its meetings in a manner consistent with the Sunshine Law;

F. Award to Knight News its costs and reasonable attorneys' fees; and

G. Award to Knight News any other relief deemed by the Court to be just and proper.

Dated: May 23, 2016

Respectfully submitted,

J.S. HEMLEPP, P.A.

/s/Justin S. Hemlepp

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Attorney for Knight News, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date a true and correct copy of the foregoing was filed using the Florida Courts' e-filing portal and sent via e-mail to those listed below. The undersigned also is arranging for personal or substitute service as necessary.

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Attorney for the UCF Board of Trustees

Dated: May 23, 2016

/s/ Justin S. Hemlepp

Justin S. Hemlepp, Esq.

TABLE OF EXHIBITS

Ex. A: A&S Fee Committee Rules and Guidelines

Ex. B: A&S Fee Committee Minutes

Ex. C: UCF Fall 2015 Academic Calendar

Ex. D: UCF Student Senate Rule 4

Ex. E: Declaration of Michael Williams

Ex. E-1: April 7, 2016 Public Records Request (Budget Requests)

Ex. E-2: April 12, 2016 Follow Up to April 7, 2016 Public Records Request

Ex. F: Declaration of Brigitte Snedeker

Ex. F-1: March 30, 2016 Public Records Request (A&S Fee Database)

Ex. F-2: March 30, 2016 Response to Public Records Request

Ex. G: Affidavit of Jeff Koeppel

Ex. H: Declaration of Jacob Milich

University of Central Florida Student Government Association



A&SF Budget Committee 2015-16 Fiscal Year

Committee Rules & Guidelines

I. Powers and Duties of the A&SF Budget Committee Chair

- A. Meeting Times: Shall be responsible for setting and posting the committee meeting times and locations, with the concurrence of the majority of the committee. The meeting must be posted in accordance with Sunshine Law.
- B. Excusing Committee Absences: Shall have the power to excuse committee absence(s), as per the A&SF Budget Committee Rules and Guidelines.
- C. Shall report to the Student Senate weekly or as the Senate meets.
- D. Shall perform office hours as stipulated by the A&SF Budget Committee.
- E. Shall be responsible for developing a communications plan.
- F. Shall notify the A&SF Budget Committee of any extensions granted to a requesting entity.
- G. Vote of No Confidence: In the case where the committee chair is not performing his/her duties to the satisfaction of the committee, a vote of no confidence may be brought forth in motion form. The vote on the motion of no confidence will take place at the next scheduled meeting of the A&SF Budget Committee.

II. Powers and Duties of the A&SF Budget Committee Vice Chair

- A. Shall fulfill all of the duties of the Committee Chair in their absence.
- B. Shall perform office hours as stipulated by the A&SF Budget Committee.
- C. Shall keep a record of the audits and recommendations sent to them by the Comptroller and ORC Chair regarding entities requesting funding, and report them to the committee during the respective entities budget hearing presentation.
- D. Shall be responsible for recording minutes at all A&SF Budget Committee meetings.
- E. Vote of No Confidence: In the case where the committee vice chair is not performing his/her duties to the satisfaction of the committee, a vote of no confidence may be brought forth in motion form. The vote on the motion of no confidence will take place at the next scheduled meeting of the A&SF Budget Committee.

III. Audits and Recommendations

- A. The Comptroller shall provide all current audits and recommendations made by the Finance Office concerning entities requesting funding to the A&SF Budget Committee Vice Chair.
- B. The ORC Chair shall provide all current audits and recommendations made by the Operations Review Committee concerning entities requesting funding to the A&SF Budget Committee Vice Chair.

University of Central Florida Student Government Association



A&SF Budget Committee 2015-16 Fiscal Year

IV. A&SF Budget Committee Guidelines

- A. The A&SF Budget Committee will consider funding for Student Government and affiliated Agencies & Departments for the fiscal year beginning July 1, 2015, ending June 30, 2016.
- B. The deadline set by the A&SF Budget Committee to submit budget requests is December 1, 2014. Requests must be submitted to the A&SF Business Office, and the A&SF Budget Committee Chair, via e-mail. Requests that do not meet these guidelines will not be considered by the committee.
- C. Requesting entities with incomplete budget forms will have ten (10) business days after notification from the A&SF Budget Committee Chair to correct the error and be eligible for funding.

V. A&SF Budget Committee Attendance Policy

- A. Members of the A&SF Budget Committee are expected to attend all committee meetings.
- B. If a committee member receives more than two (2) unexcused absences, the Chair shall pursue action to have the committee member resigned.
- C. Committee members occupying the Senate Representative, Committee Alternate, and Student-At-Large positions shall be resigned if they accumulate more than two (2) unexcused absences.
- D. The Chair may excuse a committee member's absence with a request that has been submitted via email written petition. The email must be sent to the Chair within one (1) week following the absence in question; otherwise the absence will not be considered excused. The Chair shall notify the committee of excused and unexcused absences. A two-thirds (2/3rds) vote of the committee shall overturn the decision of the Chair.
- E. The Chair may expunge any committee member's absences by notifying in memo to the rest of the A&SF Committee. A two-thirds (2/3rds) vote of the committee shall overturn the decision of the Chair.

VI. A&SF Budget Committee Miscellaneous Rules

- A. Committee members must be physically present to vote on committee business. There shall be no proxy voting.
- B. Robert's Rules of Order will be used to facilitate committee meetings.
- C. An official vote count must be taken any time a line item is zero-funded.
- D. There shall be no seconds necessary to entertain a motion.
- E. Deviations from or changes to the Committee Rules & Guidelines require a two-thirds (2/3rds) vote of the committee to pass.

University of Central Florida Student Government Association



**A&SF Budget Committee
Student Government Association**

Event Services Conference Room
December 3, 2015
9:30 AM

MEETING MINUTES

1. Call to Order- 9:33AM
2. Roll Call & Verification of Quorum-

PRESENT	ABSENT
Chair DeStefano	Speaker Kircher (Excused)
Vice Chair Wolff	Senator Benton
President Zona	Senator Patz (Excused)
Vice President Jones	ORC Chair Bedgood (Excused)
DPT Garwood	BoSD Chair Gonzales (Excused)
CRT Chair Bayes	Committee Alternate Gillaspie (Excused)
Student-at-Large Gately	
Student-at-Large Kann	

3. Approval of the Minutes- Approved by General Consent
4. Approval of the Agenda
5. Announcements from the Chair- Thank you for being here. Monday was the deadline to submit the request packets. There were some mistakes but we worked on them to fix it. The requests are around 19.4 million, but we are working with 18.6 million.
 - a. Budget Hearing
 - i. Budget
 - ii. Locations
 1. The 16th will be in Career Services, since the Student Union is booked. 17 and 18th will be at the Cape Florida Ballroom
 - iii. Schedule
 1. Starts at 10 am, we will have breakfast at 9:30am
 - a. Zona- Do you know the food we are going to be having?

University of Central Florida Student Government Association



Vice Chair Wolff	Senator Benton
President Zona	Senator Patz (Excused)
Vice President Jones	ORC Chair Bedgood (Excused)
DPT Garwood	BoSD Chair Gonzales (Excused)
CRT Chair Bayes	Committee Alternate Gillaspie (Excused)
Student-at-Large Gately	
Student-at-Large Kann	

13. Adjournment-9:44AM

Academic Calendar (/)

Select Term ▼

Fall 2015

Application Deadlines

For Graduate International Students graduate (/2015/fall/graduate)	<u>Friday, January 16, 2015 (2015-01-16)</u>
For Undergraduate International Students undergraduate (/2015/fall/undergraduate)	<u>Sunday, March 01, 2015 (2015-03-01)</u>
For New Undergraduate Freshman Applicants undergraduate (/2015/fall/undergraduate)	<u>Friday, May 01, 2015 (2015-05-01)</u>
For New Undergraduate Transfers undergraduate (/2015/fall/undergraduate)	<u>Wednesday, July 01, 2015 (2015-07-01)</u>
For Readmission	<u>Wednesday, July 01, 2015 (2015-07-01)</u>
For Graduate Programs Without Deadline graduate (/2015/fall/graduate)	<u>Wednesday, July 15, 2015 (2015-07-15)</u>

Academic Dates and Deadlines

Enrollment Appointment Date and Time Available on myUCF (https://my.ucf.edu/) registration (/2015/fall/registration)	<u>Monday, March 02, 2015 (2015- 03-02)</u>
Registration on myUCF (https://my.ucf.edu/) \$100 Late Registration Fee applies to students who have not enrolled by the close of Registration. \$100 Late Payment Fee applies to students who do not pay their fees or do not pay their fees by the due date. Under Multiple Term Registration, undergraduates with a declared major and UCF GPA of 3.5 or higher will receive their appointment dates and times for Summer 2015, Fall 2015 and Spring 2016 beginning March 2, 2015. Registration for these students will begin on or after the date listed. registration (/2015/fall/registration)	<u>Monday, March 16, 2015 (2015- 03-16) - Sunday, August 23, 2015 11:59 PM (2015-08- 23 23:59:00)</u>
Faculty Orders for Textbooks Due for Fall 2015 faculty (/2015/fall/faculty)	<u>Wednesday, April 01, 2015 (2015-04-01)</u>
Graduation Application for Undergraduate Students (https://my.ucf.edu/) (Online Intent to Graduate Form on myUCF)	<u>Monday, June 29, 2015 (2015-06-29) -</u>

commencement (/2015/fall/commencement) graduate (/2015/fall/graduate) intent-to-graduate (/2015/fall/intent-to-graduate)	Saturday August 01, 2015 11:59 PM (2015-08-01 23:59:00)
Graduation Application for Graduate Students (https://my.ucf.edu/) (Online Intent to Graduate Form on myUCF)	Monday, June 29, 2015 (2015-06-29) - Friday, August 07, 2015 (2015-08-07)
commencement (/2015/fall/commencement) graduate (/2015/fall/graduate) intent-to-graduate (/2015/fall/intent-to-graduate)	
Outstanding Faculty Orders for Textbooks Due for Fall 2015 faculty (/2015/fall/faculty)	Thursday, July 02, 2015 (2015-07-02)
On-Campus Housing Opens (http://www.housing.ucf.edu/) housing (/2015/fall/housing)	Friday, August 21, 2015 9:00 AM (2015-08-21 09:00:00)
Registration for State Employees, UCF Employees, UCFAA Employees, Non-Degree, Transients, and Audits registration (/2015/fall/registration)	Friday, August 21, 2015 3:00 PM (2015-08-21 15:00:00)
Registration for Senior Citizen Audits registration (/2015/fall/registration)	Friday, August 21, 2015 3:30 PM (2015-08-21 15:30:00)
Classes Begin	Monday, August 24, 2015 (2015-08-24)
Faculty to Confirm Academic Activity in Each Class (http://finaid.ucf.edu/academic-activity/academic_activity.html) http://finaid.ucf.edu/academic-activity/academic_activity.html	Monday, August 24, 2015 (2015-08-24) - Friday, August 28, 2015 (2015-08-28)
Late Registration on myUCF (https://my.ucf.edu/) \$100 Late Registration Fee applies to students who have not enrolled by the close of Registration. \$100 Late Payment Fee applies to students who do not pay their fees or do not pay their fees by the due date.	Monday, August 24, 2015 (2015-08-24) - Friday, August 28, 2015 11:59 PM (2015-08-28 23:59:00)
Last Day to Drop and Request Full Refund	Thursday, August 27, 2015 11:59

	PM (2015-08-27 23:59:00)
Drop/Swap Deadline on myUCF (https://my.ucf.edu/) registration (/2015/fall/registration)	Thursday, August 27, 2015 11:59 PM (2015-08-27 23:59:00)
Add Deadline on myUCF (https://my.ucf.edu/) registration (/2015/fall/registration)	Friday, August 28, 2015 11:59 PM (2015-08-28 23:59:00)
Housing Payment Due (http://www.housing.ucf.edu/costs/payments/) housing (/2015/fall/housing)	Friday, September 04, 2015 (2015-09-04)
Payment Deadline \$100 Late Payment Fee applies to students who do not pay their fees or do not pay their fees by the due date.	Friday, September 04, 2015 (2015-09-04)
Graduate Doctoral Dissertation Format Review Deadline graduate (/2015/fall/graduate)	Friday, October 09, 2015 (2015-10-09)
Academic Advising Weeks	Monday, October 12, 2015 (2015-10-12) - Friday, October 23, 2015 (2015-10-23)
Graduate Master's Thesis Format Review Deadline graduate (/2015/fall/graduate)	Friday, October 23, 2015 (2015-10-23)
Last Day to Reinstate Drop for Nonpayment Classes Deadline registration (/2015/fall/registration)	Monday, November 02, 2015 4:00 PM (2015-11-02 16:00:00)
Grade Forgiveness Deadline (http://registrar.ucf.edu/grade-forgiveness) Students must be enrolled in the second attempt prior to applying for Grade Forgiveness, and requests must be submitted no later than the Withdrawal deadline for the term/session in which the course is being repeated grades (/2015/fall/grades)	Monday, November 02, 2015 11:59 PM (2015-11-02 23:59:00)
Withdrawal Deadline registration (/2015/fall/registration)	Monday, November 02, 2015 11:59 PM (2015-11-02 23:59:00)

Graduate Thesis/Dissertation Defense Deadline graduate (/2015/fall/graduate)	Friday, November 06, 2015 (2015- 11-06)
Faculty Orders for Textbooks Due for Spring faculty (/2015/fall/faculty)	Friday, November 13, 2015 (2015- 11-13)
Graduate Thesis/Dissertation Final Submission Deadline graduate (/2015/fall/graduate)	Friday, November 20, 2015 (2015- 11-20)
Financial Aid Award/Adjustments Repayment Deadline For Course Withdrawals, adjustments and cancellations	Friday, December 04, 2015 (2015- 12-04)
VA Deferral Payment Deadline \$100 Late Payment Fee applies to students who do not pay their fees or do not pay their fees by the due date.	Friday, December 04, 2015 (2015- 12-04)
Classes End; Last Day to Remove Incomplete Incomplete grades must be removed within one year of the award date prior to graduation from the University, whichever comes first, else they will change to "F." grades (/2015/fall/grades)	Monday, December 07, 2015 (2015- 12-07)
Study Day no-classes (/2015/fall/no-classes)	Tuesday, December 08, 2015 (2015- 12-08)
Final Examination Period (http://registrar.sdes.ucf.edu/exam/2015/fall)	Wednesday, December 09, 2015 (2015- 12-09) - Tuesday, December 15, 2015 (2015- 12-15)
On-Campus Housing Closes (http://www.housing.ucf.edu/) housing (/2015/fall/housing)	Wednesday, December 16, 2015 12:00 PM (2015-12- 16 12:00:00)
Degree Conferral Date commencement (/2015/fall/commencement)	Friday, December 18, 2015 (2015- 12-18)
Grades Due in myUCF (https://my.ucf.edu/) faculty (/2015/fall/faculty) grades (/2015/fall/grades)	Friday, December 18, 2015 (2015- 12-18)
Commencement (http://commencement.ucf.edu/2015/fall)	Friday, December 18,

commencement (/2015/fall/commencement)

2015 (2015-12-18) -
Saturday,
December 19,
2015 (2015-12-19)

Grades Available on myUCF (<https://my.ucf.edu/>)

grades (/2015/fall/grades)

Monday,
December 21,
2015 9:00 AM
(2015-12-21
09:00:00)

Holidays

Labor Day

no-classes (/2015/fall/no-classes)

Monday, September 07, 2015 (2015-09-07)

Veterans Day

no-classes (/2015/fall/no-classes)

Wednesday, November 11, 2015 (2015-11-11)

Thanksgiving

no-classes (/2015/fall/no-classes)

Thursday, November 26, 2015 (2015-11-26) -
Saturday, November 28, 2015 (2015-11-28)

Special Events

Main Campus, Rosen Campus, Regional Campus Close at Noon for UCF v. Florida International University

This football game will kick off at 6 p.m. on CBS Sports Network. Because of the early kickoff time, classes on the main campus, in the Central Florida Research Park, at the Rosen College of Hospitality Management and on UCF's regional campuses will conclude at noon. Offices at those locations also will close for normal operations at noon in order to allow adequate time for a smooth transition to game day activities, which will begin at 1 p.m.

Thursday,
September 03,
2015 12:00 PM
(2015-09-03
12:00:00) -
Friday,
September 04,
2015 6:00 AM
(2015-09-04
06:00:00)

Homecoming Week (<http://osi.ucf.edu/homecoming/>)

(Classes still held)

Saturday,
October 17,
2015 (2015-10-17) -
Sunday,
October 25,
2015 (2015-10-25)

Homecoming Game vs. Houston (<http://www.ucfathletics.com/>)

(for further information, please refer to UCF Athletics)

Saturday,
October 24,
2015 (2015-10-24)

Main Campus, Rosen Campus, Regional Campus Close at 3:00 p.m. for UCF v. East Carolina

On Nov. 19, classes on the main campus, in the Central Florida Research Park, at the Rosen College of Hospitality Management and on UCF's regional campuses will be conducted through 3 p.m. University operations at those locations also will close at 3 p.m., and game day activities will begin at 4 p.m.

Thursday,
November 19,
2015 3:00 PM
(2015-11-19
15:00:00) -

Friday,
November 20,
2015 6:00 AM
(2015-11-20
06:00:00)

Tags Used on This View: **commencement (/2015/fall/commencement)** **faculty (/2015/fall/faculty)**
grades (/2015/fall/grades) **graduate (/2015/fall/graduate)** **housing (/2015/fall/housing)**
intent-to-graduate (/2015/fall/intent-to-graduate) **no-classes (/2015/fall/no-classes)**
registration (/2015/fall/registration) **undergraduate (/2015/fall/undergraduate)**

RULE FOUR: BUSINESS OF THE SENATE

- 4.01 The Student Senate shall meet during Academic terms, as defined by the University Academic Calendar.
- A. Neither the Senate nor Committees shall meet on official University holidays.
 - B. During periods of final examinations, the Student Senate shall not meet.
 - C. The Speaker of the Senate shall post a schedule of meetings during periods during academic terms so that no lapse between Senate meetings exceeds two (2) consecutive weeks.
- 4.02 **Special Sessions:**
- A. Special Sessions must be scheduled to start between the hours of 8:00 am and 7:00 pm, Monday through Friday.
 - B. Special Sessions of the Student Senate may only be called in the following manner:
 1. By the Speaker of the Senate or Senate President Pro Tempore, provided that each Senator shall receive twenty-four (24) hours notice of such a meeting, by memorandum and email, signed by the Speaker of the Senate or Senate President Pro Tempore, and cosigned by the Senate Secretary.
 2. The Speaker of the Senate or Senate President Pro Tempore must call a Special Session if requested to do so via written petition of a majority of those currently holding Student Senate seats at the time of the request.
 - C. The Senate Secretary shall clearly note the exact time and date of dissemination on each memorandum.
 - D. Dissemination shall be defined as: "The distribution of a written memorandum, sent to each Senator's email, and posting of the memorandum in the Senate workroom".
 - E. The memorandum shall include the following: date, time and meeting location of the Special Session; and the subject matter and/or intent of the Special Session.
 - F. No other business shall be entertained during this Special Session.
 - G. The exact number of Senators currently holding seats shall be verified by the Senate Secretary, and shall be clearly noted on the top of the petition.
 - H. The Special Session shall start no sooner than twenty-four (24) hours following the dissemination of the memorandum.
 - I. The petition shall only be posted on the door of the office of the Senate President Pro Tempore and shall not be removed from that office.
 - J. The petition shall not be posted on windows.
 - K. Each Senator must personally affix his/her signature to the petition.

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4.03 **The Daily Order:** The daily order shall be as follows:

- A. Call to Order
- B. Pledge of Allegiance
- C. Singing of National Anthem (if available)
- D. Roll Call & Verification of Quorum
- E. Approval of the Minutes and Agenda
- F. Open Forum (Any Non-Senator may address the Senate on any pertinent issues affecting the Student Body)
- G. Announcements from the Student Body President
- H. Announcements from the Student Body Vice President
- I. Comptroller's Report
- J. Cabinet Forum
- K. Announcements from the Chief Justice
- L. Announcements from the Speaker of the Senate
- M. Announcements from the Supervisor of Elections
- N. Announcements from the A&SF Chair
- O. President Pro Tempore Report [Five (5) minute time limit]
- P. Fiscal Committee caucus time [Fifteen (15) minutes may be allocated by the Chair to any fiscal committee requesting a caucus]
- Q. Fiscal Committee Reports
 1. Financial Allocations for Organizations (FAO) Committee.
 2. Conference Registration and Travel (CRT) Committee
 3. Fiscal Ad Hoc Committees (if any)
- R. Fiscal Legislation
 1. Notice of Fiscal Legislation on First Reading:
 - a. Constitutional Amendments
 - b. Bills
 - c. Resolutions
 - d. Special Acts
 2. Notice of Fiscal Legislation on Third Reading:
 - a. Constitutional Amendments
 - b. Bills
 - c. Resolutions
 - d. Special Acts
 3. Notice of Fiscal Legislation on Second Reading:
 - a. Constitutional Amendments
 - b. Bills
 - c. Resolutions
 - d. Special Acts
- S. Advisor's Report
- T. Internal Legislative Assistant Report [Five (5) minute time limit] [if appointed]
External Legislative Assistant Report [Five (5) minute time limit] [if appointed]
- U. Internal Committee Caucus Time [Fifteen (15) minutes may be allowed by the Chair to any internal committees requesting a caucus]
- V. Internal Committee Reports:
 1. Legislative, Judicial and Rules (LJR) Committee
 2. Services and Public Relations (SPR) Committee
 3. Operations Review Committee (ORC)

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4. Governmental Affairs Committee (GAC)
5. Elections and Appointments (EA) Committee
6. Internal Ad Hoc Committees (if any)

W. Confirmations

X. Internal Legislation:

1. Notice of Internal Legislation on First Reading:
 - a. Constitutional Amendments
 - b. Bills
 - c. Resolutions
 - d. Special Acts
2. Notice of Internal Legislation on Third Reading:
 - a. Constitutional Amendments
 - b. Bills
 - c. Resolutions
 - d. Special Acts
3. Notice of Internal Legislation on Second Reading:
 - a. Constitutional Amendments
 - b. Bills
 - c. Resolution
 - d. Special Acts

Y. Senate Forum [Any Senator may address the Senate with any pertinent information he/she feels the Senate should know. Any discussion of pending legislation shall not be in order at this time. Thirty (30) minute time limit, five (5) minute maximum per speaker.]

Z. Senate Deliberations [Any Senator may bring forth a subject for open discussion and deliberation before the Senate for a period of up to thirty (30) minutes; there shall be only one Deliberation Session per Senate meeting.]

AA. Miscellaneous Business and Communications

BB. Final Roll Call

CC. Adjournment

4.04 The Agenda

- A. Effect of the Agenda: The agenda shall govern the “order of consideration” of measures by the Student Senate.
- B. Division of the Agenda: The sequence of consideration for measures shall be as follows:
 1. All measures shall be categorized as follows and considered in this sequence in the daily order:
 - a. Fiscal Legislation, defined for the purposes of this Rule to include all bills which include allocations of funds from one or more Senate accounts to registered student organizations.
 - b. Internal Legislation shall be defined as all legislation that is not Fiscal Legislation.
 2. All measures shall be further sorted into the following subcategories and considered in this sequence:
 - a. Legislation on First Reading, defined as measures to be newly introduced and be committed by the Chair of the Senate.

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- b. Legislation on Third Reading, defined as measure not postponed indefinitely on Second Reading and ready for final vote.
 - c. Legislation on Second Reading, defined as measures which have been passed either favorably or unfavorably by the Senate Committee and are ready for debate by the full Senate..
3. Within each reading the types of legislation defined in Rule 4.01 shall be considered the following sequence:
 - a. Constitutional Amendments
 - b. Bills
 - c. Resolutions
 - d. Special Acts
 4. Following the appropriate categorizations under the above, measures shall be considered in numerical order.
 5. A ten (10) minute recess shall occur as close as possible to two (2) hours following the posted meeting time of any regular and special Senate session, at the conclusion of any pending item, or at the discretion of the Chair.
- C. Agenda Deadline and Publication:
1. All new measures to be included on the Agenda for a session of Senate shall have been filed with the Chair of the Senate no later than seventy-two (72) hours to the beginning of that session, or twenty-four (24) hours for a special session.
 2. All new measures to be included on the Agenda for a regular session of the Senate shall have been filed with the Senate Secretary no later than forty-eight (48) hours prior the beginning of that session, or twenty-four (24) hours for a special session.
 3. All measures to be included on the Agenda for any session of the Senate which had previously been committed by the Chair shall be reported by the committee considering them as passing favorably or unfavorably no later than six (6) hours prior to beginning of that session.

4.05 **The Minutes of the Student Senate:**

- A. The Recording of the Minutes: The Senate Secretary shall record, in the minutes, the official proceedings of the Senate, both in-session and out-of-session; the minutes shall run week to week.
- B. Publication of the minutes: The minutes shall be published at the time of the publication of the agenda.
- C. Correction and Approval of the Minutes:
 1. At each session, the Minutes shall be corrected and approved.
 2. After the Agenda is corrected and approved, the Minutes shall be the "official record" of the meeting, and a motion to "expunge" shall not be entertained by the Chair.
- D. Minutes Entries: The Senate Secretary shall enter into the Minutes:
 1. The hour of convening and adjourning of the Senate;
 2. The name and title of the Presiding Officer;
 3. The content of oral messages from the Student Body President;
 4. The content of announcements made by the Chair;

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5. The content of the President Pro Tempore's Report;
 6. The reference of measures to committee(s); and
 7. Oral Committee Reports, and their substance;
 8. Engrossing, enrolling, and transmittal of Bills and Constitutional Amendments to the Student Body President;
 9. Amendments offered on the floor, including those made "in committee," verbatim, together with the movement and the disposition thereof;
 10. Rulings, by the Chair, on "points of order;"
 11. The votes on any motion, whenever they shall be ordered;
 12. All other entries required by these Rules, ordered by the Senate, or as necessary and proper to show the proceedings of the Senate.
- E. Any Senate material (Agenda, Minutes, Bills, Resolutions, Constitutional Amendments, etc.) under consideration by the Senate at any Senate meeting shall be made into "information packets," to be distributed to any interested individual, upon request.

- 4.06 A quorum is necessary for the conduct of official business at both Regular and Special Sessions of Senate.
- 4.07 Quorum: A quorum to conduct business shall be defined as more than fifty percent of the Senate membership consisting of those Senate Seats that are currently filled (not vacant) with members who are eligible to vote according to Student Government Statutes.

HISTORY:

Res 13-03 (02/03/81) Res 13-15 (05/26/81) Res 13-21 (08/04/81)
Res 15-10 (11/11/82) Bill 15-77 (07/28/83) Bill 16-05 (10/25/83)
Res 19-03 (10/23/96) Res 19-35 (07/19/87) Res 21-17 (02/07/89)
Res 21-20 (03/14/89) Res 22-06 (10/24/89) Res 26-24 (09/08/94)
Res 27-27 (07/17/95) Res 29-11 (12/05/96) Res 30-07 (10/13/98)
Res 32-10 (00/00/00) Res 32-25 (00/00/00) Res 34-07 (06/03/02)
Res 35-09 (00/00/00) Res 36-37 (00/00/00) Res 36-39 (07/22/04)
Res 38-03 (11/18/05) Res 38-10 (02/23/06) Res 38-24 (09/22/06)
Res 39-13 (03/29/08) Res 40-03 (11/08/08) Res 40-26 (09/04/08)
Res 40-29 (09/11/08) Res 41-10 (01/08/09) Res 41-30 (09/09/09)
Res 42-13 (02/02/10) Res 45-08 (02/28/13) Res 45-33 (09/05/13)

DECLARATION

STATE OF FLORIDA)
COUNTY OF Orange)

I, MICHAEL WILLIAMS, do hereby state under oath and under penalty of perjury that the following facts are true:

1. I am over the age of 18 and am a resident of the State of Florida. I have personal knowledge of the facts herein, and, if called as a witness, could testify competently thereto.

2. I, on behalf of Knight News, cover UCF student government.

3. The SGA A&S Fee Committee scheduled its meetings for December 16, 17 and 18, 2015,

4. UCF closed on-campus housing on December 16, 2015, making it nearly impossible for any UCF student living on-campus, including myself, to attend the A&S Fee budget meetings on December 16, 17, and 18, 2015.

5. Also, on April 7, 2016, I requested from UCF on behalf of Knight News the Budget Requests “from each department or agency funded by the A&S Fee.” The public records request is attached as **Exhibit “E-1”** and incorporated as if fully set forth herein.

6. UCF did not acknowledge or respond to the records request, so on April 12, 2016, I, on behalf of Knight News, followed up: “Can you please help

make sure I am provided the requested records?" The follow-up public records request is attached as **Exhibit "E-2"** and incorporated as if fully set forth herein.

7. Finally, I am aware that at least two members of the public intended but were not permitted to make comments during the time typically designated by the Student Senate for public comment during the Senate's April 7, 2016 meeting.

8. First, I hoped to make comment at the meeting but was not permitted. Second, non-party Jeffrey Koeppl hoped to make comment at the meeting but also was not permitted.

FURTHER DECLARANT SAYETH NAUGH

I, MICHAEL WILLIAMS, do hereby swear or affirm under penalty of perjury that I have read the foregoing Declaration and know the contents thereof, and the contents are true of my own knowledge and belief.

MICHAEL WILLIAMS

Signature: Michael Williams
Title: Reporter
Knight News, Inc.

From: **KnightNews.com Reporter** <reporter@knightnews.com>
Date: Thursday, April 7, 2016
Subject: Budget Request
To: SGA A&SF Budget Chairman <sga_asf@ucf.edu>

Hello Benjamin,

Thank you for your timely reply regarding the budget spreadsheet. I do have a few additional requests and questions for you:

1. Line 139 on the budget spreadsheet states that \$65,000 was put toward a lobbying firm in 2015-16. However, the contract between SGA and GrayRobinson states that \$61,500 was allocated. Could you explain this discrepancy?
2. Are beverages included in the money allocated to GrayRobinson?
3. Could you, again at your earliest convenience, send me the budget request forms from each individual department or agency funded by the activity and service fee?

Thanks again,

Michael Williams
KnightNews Reporter
(850)208-4829

From: KnightNews.com Reporter [mailto:reporter@knightnews.com]
Sent: Tuesday, April 12, 2016 3:45 PM
To: David Oglethorpe <David.Oglethorpe@ucf.edu>
Subject: Request

Mr. Oglethorpe,

Hope all is well, I have a couple of questions and requests for you:

Can you please let me know when the passing of the gavel ceremony will be tomorrow and whether it will be closed to the press? I would also like to please request a copy of the expense report from the SGA financial database reflecting the most detailed breakdown available for the passing of the gavel event. On April 7 I made a public records request to a custodian of the A&SF budget request packet. Nobody has acknowledged my request. Can you please help make sure I am provided the requested records?

Best,
Michael Williams
KnightNews Reporter

DECLARATION

STATE OF FLORIDA)
COUNTY OF Orange)

I, BRIGITTE SNEDEKER, do hereby state under oath and under penalty of perjury that the following facts are true:

1. I am over the age of 18 and am a resident of the State of Florida. I have personal knowledge of the facts herein, and, if called as a witness, could testify competently thereto.

2. I, on behalf of Knight News, requested a copy of “the SGA A&SF financial database in electronic format.” *See* F-1, attached.

3. UCF the same day acknowledged Knight News’s request for the A&S Fee Database and the request was forwarded to two others at UCF to “assist [Knight News] with this request.” UCF’s acknowledgement and internal forwarding of the request is attached as Exhibit “F-2.”

4. UCF to date has not responded to the request or disclosed the requested documents.

FURTHER DECLARANT SAYETH NAUGH

I, BRIGITTE SNEDEKER, do hereby swear or affirm under penalty of perjury that I have read the foregoing Affidavit and know the contents thereof, and the contents are true of my own knowledge and belief.

BRIGITTE SNEDEKER

Signature: 
Editor-in-Chief
Knight News, Inc.

From: KnightNews.com [mailto:news@knightnews.com]
Sent: Wednesday, March 30, 2016 11:15 AM
To: David Oglethorpe <David.Oglethorpe@ucf.edu>
Subject: Public Records Request

Hello Mr. Oglethorpe,

Knight News is making a public records request for a copy of the SGA A&SF financial database in electronic format. Microsoft Access or CSV or Excel would be acceptable, however, we should be able to work with any electronic format.

I understand SGA has produced this in electronic format to us a few years ago, so hopefully whoever helped last time can help you fulfill the request.

Please let me know if you have any questions or concerns. I appreciate your time.

Thank you,
-Brigitte

-

Brigitte Snedeker
Editor-in-Chief
Knight News
754 422 5502

From: **David Oglethorpe** <David.Oglethorpe@ucf.edu>
Date: Wednesday, March 30, 2016
Subject: Public Records Request
To: KnightNews <news@knightnews.com>
Cc: Shane Juntunen <Shane.Juntunen@ucf.edu>, Richard Phillips
<Richard.Phillips@ucf.edu>, SGA A&SF Budget Chairman <sga_asf@ucf.edu>

Hi Brigitte,

I have CC'd Richard Phillips and Ben DeStefano on this email. They should be able to assist you with this request.

Thank you,

David

David Oglethorpe

Communication Coordinator

Office of Student Involvement

University of Central Florida

Student Union, Room 208

12715 Pegasus Dr. | Orlando, FL | 32816

(407) 823-0548 | (407) 823-5899 (fax)

<http://osi.ucf.edu>

AFFIDAVIT

STATE OF FLORIDA)
COUNTY OF Summit)

I, JEFFREY KOEPPEL, do hereby state under oath and under penalty of perjury that the following facts are true:

1. I am over the age of 18 and am a resident of the State of Florida. I have personal knowledge of the facts herein, and, if called as a witness, could testify competently thereto.

2. I intended to speak during the public comment period at the April 7, 2016, UCF SGA Student Senate meeting.

3. Before the meeting began, I gave UCF Student Body President Cait Zona a copy of the Florida Commission on Ethics complaint I intended to discuss during the Student Senate meeting.

4. The Student Senate then voted to disallow public comment at the April 7, 2016, meeting, so therefore I was not permitted to comment.

5. I believe the public interest is best served by continuing to permit public comment during traditionally open government meetings, such as those of UCF's Student Senate.

FURTHER AFFIANT SAYETH NAUGHT

I, JEFFREY KOEPEL, do hereby swear or affirm under penalty of perjury that I have read the foregoing Affidavit and know the contents thereof, and the contents are true of my own knowledge and belief.

JEFFREY KOEPEL

Name: Jeffrey Koepel

The foregoing instrument was acknowledged before me this 2nd day of May, 2016, by Jeffrey Koepel, who is has produced Florida Driver License as identification, and who did take an oath.

Natalie
Notary Public

Natalie Cotto Colon
(Print Name)



NATALIE COTTO COLON
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FP927067
Expires 10/13/2019

My Commission Expires: 10/13/2019

DECLARATION

STATE OF FLORIDA)
COUNTY OF ORANGE)

I, JACOB MILICH, do hereby state under oath and under penalty of perjury that the following facts are true:

1. I am over the age of 18 and am a resident of the State of Florida. I have personal knowledge of the facts herein, and, if called as a witness, could testify competently thereto.

2. After winning an election, I am currently serving as a senator on UCF's student government association legislative body and therefore I am a publically elected "officer" of UCF's student government.

3. Among my official duties prescribed by law, is the duty to determine - jointly with the other officers of the senate - the allocation of an \$18.6 million budget of public funds generated by the university's activity and service fee. After this allocation is determined, it is the responsibility of the senate as the "student government association legislative body" to submit the budget the university president (Dr. John C. Hitt).

4. However, the UCF student government association legislative body ("SGA Senate") had a very minor role in the decision-making process of crafting the budget it is required by law to submit. For example, the senate as a whole was

not present to hear, question, and discuss each UCF organization's budget request during the initial budget request presentations.

5. Instead, that was done by a separate, small committee consisting of not just officers of the SGA Senate, but also the student body president, several of the student body president's executive cabinet officers, and other students appointed by student body president. This committee, known as the "Activity and Service Fee Budget Committee," played the only substantial role in deciding the \$18.6 million budget. The SGA Senate merely "rubber stamped" the committee's "recommendation" in approximately an hour.

6. The committee met from December 16-18, 2015, after UCF's fall semester classes had concluded and many students had traveled back home to their families for winter break.

7. To the best of my knowledge, the general public never had an opportunity to speak before the committee at any of its meetings this fiscal year. In fact, during my attendance at the winter break budget meetings, not once did I hear the committee invite the public to be heard.

8. On April 7, 2016, the SGA Senate scheduled a meeting to receive the committee's "recommendation" – a copy of the budget required by law to be submitted to the university president by the SGA senate – and vote to approve it. The senate as a whole did not receive a copy of the budget "recommendation" from

the SGA Senate leadership to review until three days prior to the meeting and the senate was never provided copies of the detailed budget request packets and presentations, which broke down in detail and explained the amount of funding each UCF organization was requesting and the justification of those requests.

9. Members of the public attended the meeting intending to be heard by the SGA Senate prior to the \$18.6 million budget vote. However, SGA Senate Speaker Meghan Kircher presented the SGA Senate an agenda with the “Open Forum” portion removed. This was the first time in my experience as an officer of student government the agenda was missing the open forum item, which is required by our internal rules. When I made a motion in an effort to restore the open forum, the Speaker refused to entertain my motion.

10. When I then objected to approving the agenda on the basis that we should first hear from the community like we do every week, the Speaker openly debated against my objection without relinquishing her chair position as required by our internal rules. My efforts to restore the open forum failed by a vote of 17-19. My objection would have succeeded had the Speaker not incorrectly informed officers of the SGA Senate who also serve on the Activity and Service Fee Budget Committee who attempted to vote in favor of my efforts that they were not allowed to vote.

11. As a result, the members of the public did not have an opportunity to

provide public comment and or have access to the decision-making process as it pertained to the allocation of the public funds generated by the university's activity and service fee.

FURTHER DECLARANT SAYETH NAUGH

I, JACOB MILICH, do hereby swear or affirm under penalty of perjury that I have read the foregoing Declaration and know the contents thereof, and the contents are true of my own knowledge and belief.

JACOB MILICH

Signature: 
Title: SENATOR
UCF Student Government Association