

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Ethics and Elections

BILL: SM 970

INTRODUCER: Senator Brandes

SUBJECT: Term Limits; Congress

DATE: March 26, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fox	Roberts	EE	Pre-meeting
2.			RC	
3.				
4.				
5.				
6.				

I. Summary:

Senate Memorial 970 urges Congress to propose to the states an amendment to the U.S. Constitution that would limit the consecutive terms of office that a U.S. Senator or member of the U.S. House of Representatives may serve.

A memorial has no force of law; it is a mechanism for formally petitioning the U.S. Congress for action on a specific subject.

II. Present Situation:

In 1992, Florida voters adopted the so-called “eight-is-enough” amendment to the State Constitution, prohibiting *federal senators and representatives from Florida* from having their name appear on the ballot if they served 8 consecutive years in office.¹ Similar limits were adopted on federal office holders in numerous other state constitutions as part of a nationwide initiative. In 1995, however, the U.S. Supreme Court invalidated these state attempts to impose term limits on federal office holders, finding that they violated the qualifications clauses of the *federal* Constitution.²

Related facts are contained in the memorial’s preamble.

¹ Art. VI, s. 4, FLA. CONST. Florida’s eight-is-enough amendment also limited the terms of state legislators as well as the governor and other cabinet officers. *Id.*

² *See, U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779 (1995) (Arkansas provision limiting terms of its congressional members impermissibly created additional qualifications beyond those authorized in Article I of the U.S. Constitution).

III. Effect of Proposed Changes:

Senate Memorial 970 urges Congress to propose to the states an amendment to the U.S. Constitution limiting the number of consecutive terms that a U.S. Senator or U.S. House of Representatives member may serve. Such an amendment would need to be proposed by a two-thirds vote of each House of Congress, and subsequently be ratified by three-fourths of the states.³

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

³ Art. V, U.S. CONST.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
