

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: SJR 902

INTRODUCER: Senator Garcia and others

SUBJECT: Term Limits

DATE: January 20, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fox	Roberts	EE	Favorable
2.			RC	

I. Summary:

SJR 902 extends term limits for State Senators and State Representatives from 8 to 12 years, while retaining 8-year limits for the Lieutenant Governor and members of the Florida Cabinet. A sitting State Senator or State Representative could *not* take advantage of the extension unless he or she were elected to a different legislative chamber or executive office, or had a break in continuous service.

The bill also deletes obsolete language in the State Constitution limiting the terms of Florida's members of the U.S. Congress.

The joint resolution, if passed by a 3/5ths vote of each House of the Legislature, will be voted on at the general election in November 2016. The joint resolution, by its express terms, would apply upon approval of the voters — at least 60% of those voting on the measure.

This joint resolution substantially amends Article VI, Section 4, of the Florida Constitution, and creates a new implementation schedule in Article XII.

II. Present Situation:

The Florida Constitution provides that a State Senator, State Representative, Lieutenant Governor, Florida Cabinet member, U.S. Representative from Florida, or U.S. Senator from Florida may not have his or her name on the ballot for reelection if the person has served in an office for eight consecutive years.¹ The U.S. Supreme Court has held that state-imposed limits on the terms of *federal* office holders violate the U.S. Constitution, effectively rendering unenforceable Florida's term limits on congressional members.²

¹ Art. VI, s. 4(b), FLA. CONST.

² See, *U.S. Term Limits, Inc. v. Thornton*, 115 S.Ct. 1842 (1995).

III. Effect of Proposed Changes:

SJR 902 extends the existing term limits for state legislators from 8 to 12 years; it maintains the current 8-year term limit for Florida lieutenant governor and members of the Cabinet.

Specifically, SJR 902 provides that no person may appear on the ballot for reelection to the office of Florida Senator or Florida Representative if, by the end of the current term of office, the person will have served (or, but for resignation, would have served) in that office for 12 consecutive years.

A sitting State Senator or State Representative could *not* take advantage of the extension unless he or she were elected to a different legislative chamber or executive office, or had a break in continuous service. Specifically, the joint resolution's Schedule provides that the term limits extension, "shall only apply to persons who are elected to their *initial* term of office for purposes of calculating term limits as a state senator or state representative in the 2016 general election or any election thereafter." (emphasis added)

The joint resolution also makes some technical modifications. It removes term limits for U.S. Representatives and U.S. Senators from Florida, which are unenforceable pursuant to U.S. Supreme Court precedent previously cited.

The joint resolution will take effect, by its express terms, upon approval (by 60% of the voters casting ballots on the measure) at the 2016 general election.

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:**

Each constitutional amendment is required to be published in a newspaper of general circulation in each county, once in the sixth week and once in the tenth week preceding the general election. Costs for advertising vary depending upon the length of the amendment; however, the Division of Elections estimates the cost of this amendment at a minimum of approximately \$45,550.

VI. Technical Deficiencies:

None.

VII. Related Issues:

In 1992, voters amended the Florida Constitution to include the current “eight is enough” term-limit scheme, by a margin of about 3 to 1.

VIII. Statutes Affected:

This joint resolution substantially amends Article VI of the Florida Constitution and creates an implementation schedule in Article XII.

IX. Additional Information:

A. **Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. **Amendments:**

None.