

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 536

INTRODUCER: Senator Ingoglia

SUBJECT: Term Limits Applicable to State Representatives and State Senators

DATE: March 18, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Biehl	Roberts	EE	Favorable
2.			JU	
3.			RC	

I. Summary:

SJR 536 proposes an amendment to the Florida Constitution to make existing term limits for state legislators cumulative instead of consecutive and provides a schedule for implementation of the changes.

If adopted by the Legislature, the proposed amendment will be submitted to Florida's electors for approval or rejection at the next general election in November 2026.

If approved by at least 60 percent of the electors voting on the measure, the proposed amendment takes effect upon such approval.

II. Present Situation:

Term Limits in Florida's Constitution

Florida's Constitution establishes term limits for the following elected officials:

- Florida Governor;
- Florida representatives;
- Florida senators;
- Florida Lieutenant Governor;
- Florida Cabinet members;
- U.S. representatives from Florida; and
- U.S. senators from Florida.¹

¹ Article VI, s. 4(c), FLA. CONST. *See also* art. IV, s. 5(b), FLA. CONST.

Term limits imposed by states for federal elected officials were held to be unconstitutional, and thus unenforceable, by the U.S. Supreme Court in 1995.²

The Florida Constitution states that none of the specified officials, except for the office of Governor, which is governed by a slightly different provision, may appear on a ballot for reelection 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 eight consecutive years.³ These term limits became effective in 1992 and were prospective, so that officials reelected to a consecutive term in 1992 could serve another consecutive eight years before reaching the term limit.⁴

Requirements for Proposed Constitutional Amendments

The Florida Constitution authorizes the Legislature to propose amendments to the Florida Constitution by joint resolution approved by a three-fifths vote of the membership of each house.⁵ Such amendment must be placed before the electorate at the next general election⁶ held more than 90 days after the proposal has been filed with the Secretary of State or at a special election held for that purpose.⁷ Constitutional amendments submitted to the electors must be printed in clear and unambiguous language on the ballot.⁸

Proposed amendments or constitutional revisions must be published in a newspaper of general circulation in each county where a newspaper is published.⁹ The amendment or revision must be published once in the 10th week and again in the 6th week immediately preceding the week the election is held.

The Florida Constitution requires approval by 60 percent of electors voting on a measure for a constitutional amendment to take effect.¹⁰ The amendment, if approved, becomes effective on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment

III. Effect of Proposed Changes:

SJR 536 proposes an amendment to the Florida Constitution to revise existing term limits of eight consecutive years for state senators and state representatives. Instead, the joint resolution provides for a cumulative term limit of sixteen total years in state legislative office.

² See *U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779 (1995). See also *Ray v. Mortham*, 742 So. 2d 1276 (Fla. 1999) (holding that term limits imposed on elected state officials were severable from provisions imposing term limits on elected federal officials).

³ Article VI, s. 4(c), FLA. CONST.

⁴ See Art. VI, s. 4, FLA. CONST. (1992); Billy Buzzett and Steven J. Uhlfelder, *Constitution Revision Commission: A Retrospective and Prospective Sketch*, The Florida Bar Journal (April 1997), <https://www.floridabar.org/the-florida-bar-journal/constitution-revision-commission-a-retrospective-and-prospective-sketch> (last visited January 12, 2024).

⁵ Article XI, s. 2, FLA. CONST.

⁶ Section 97.021(16), F.S., defines “general election” as an election held on the first Tuesday after the first Monday in November in the even-numbered years, for the purpose of filling national, state, county, and district offices and for voting on constitutional amendments not otherwise provided for by law.

⁷ Article XI, s. 5(a), FLA. CONST.

⁸ Section 101.161(1), F.S.

⁹ Article XI, s. 5(d), FLA. CONST.

¹⁰ Article XI, s. 5(e), FLA. CONST.

If adopted by the Legislature, the proposed amendment will be submitted to Florida's electors for approval or rejection at the next general election in November 2026. The joint resolution provides the following ballot statement:

TERM LIMITS FOR STATE SENATORS AND STATE REPRESENTATIVES.-The State Constitution provides that state representatives and state senators are limited to serving eight consecutive years in either office. This amendment specifies that state representatives and state senators are limited to 16 nonconsecutive years of service. This revised term limit would take effect after the November 3, 2026, general election, and provides that those seeking re-election during such election or election or re-election in subsequent elections may complete their terms, regardless of such limits.

If approved by at least 60 percent of the electors voting on the measure, the proposed amendment takes effect upon such approval. The joint resolution provides a schedule for implementation of the amendment that specifies:

- A sitting state legislator who has already served a total of at least sixteen years in state legislative office may, if reelected, still serve out the total of eight consecutive years in that office that he or she would be allowed under current law. Such person may not serve in excess of twenty-four total years regardless of whether such service was consecutive or nonconsecutive.
- A state legislator whose allowable eight consecutive years in one office are shortened as a result of reapportionment may run for one more term.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Article XI, Section 5(d) of the Florida Constitution requires proposed amendments or constitutional revisions to be published in a newspaper of general circulation in each county where a newspaper is published. The amendment or revision must be published in the 10th week and again in the 6th week immediately preceding the week the election is held.

The Division of Elections (division) within the Department of State pays for publication costs to advertise all constitutional amendments in both English and Spanish,¹¹ typically paid from non-recurring General Revenue funds.¹² Accurate cost estimates for the next constitutional amendment advertising cannot be determined until the total number of amendments to be advertised is known and updated quotes are obtained from newspapers.

There is an unknown additional cost for the printing and distributing of the constitutional amendments, in poster or booklet form, in English and Spanish, for each of the 67 Supervisors of Elections to post or make available at each polling room or each voting site, as required by s. 101.171, F.S. Historically, the division has printed and distributed booklets that include the ballot title, ballot summary, text of the constitutional amendment, and, if applicable, the financial impact statement.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This resolution amends Article VI, section 4 of the Florida Constitution.

This resolution creates a new Article XII of the Florida Constitution.

¹¹ Pursuant to Section 203 of the Voting Rights Act (52 U.S.C.A. § 10503)

¹² See, e.g., Ch. 2022-156, Specific Appropriation 3137, Laws of Fla.

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.

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