

FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: HJR 679 TITLE: Term Limits for Members of County Commissions and District School Boards SPONSOR(S): Salzman	COMPANION BILL: SJR 802 (Ingoglia) LINKED BILLS: None RELATED BILLS: None
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Committee References



SUMMARY

Effect of the Bill:

The joint resolution proposes an amendment to the Florida Constitution that would provide eight year term limits for county commissioners and school district board members. This limitation would apply to terms of office beginning after November 3, 2026.

Fiscal or Economic Impact:

An agency analysis of this bill was requested from Department of State on February 21, 2025, and as of the date of publication has not been received.

Extraordinary Vote Required for Passage:

The joint resolution requires a three-fifths vote of the membership of both houses of the Legislature for final passage.

JUMP TO	SUMMARY	ANALYSIS	RELEVANT INFORMATION	BILL HISTORY
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ANALYSIS

EFFECT OF THE BILL:

The joint resolution proposes an amendment to the Florida Constitution that would provide term limits for county commissioners and school district board members. The resolution proposes that the terms for both county commissioners and school district board members be limited to eight years.

For county commissioners, the resolution proposes that the eight-year limit applies to terms of office beginning on or before November 3, 2026. For district school board members, the resolution proposes that the eight-year limit applies to terms of office beginning before November 8, 2022.

If passed, the joint resolution will be considered by the electorate at the next general election on November 3, 2026.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Boards of County Commissioners

Article VIII of the Florida Constitution establishes the authority for home rule by counties and municipalities in Florida. The Legislature is required to divide the state into counties¹ and has the authority to create municipalities.²

¹ [Art. VIII, s. 1\(a\), Fla. Const.](#)

² [Art. VIII, s. 2\(a\), Fla. Const.](#)

STORAGE NAME: h0679a.IAS

DATE: 3/19/2025

Pursuant either to general or special law, a county government may be adopted by charter approved by the county's voters.³ A county without a charter has such powers of self-government as provided by general⁴ or special law.⁵ A county with a charter has all powers of self-government not inconsistent with general law or special law approved by the county voters.⁶ The Florida Constitution provides unique authorization for specific home rule charters, including those of Duval and Miami-Dade Counties.⁷ Currently, 20 Florida counties have adopted charters.⁸

The Florida Constitution provides that each county, except as otherwise provided by a county charter, is governed by a board of county commissioners composed of five or seven members serving staggered four-year terms.⁹ Each county must be divided into districts that are contiguous and as nearly equal in population as practicable, which are redrawn after each decennial census.¹⁰ One commissioner must reside in each district as provided by law.¹¹ Current law does not set term limits for county commissioners. However, charter counties have the authority to set their own term limits in their county charter.¹² As of January 1, 2025, 12 counties in Florida imposed term limits within their county charter.¹³

District School Boards

Pursuant to the Florida Constitution, each county constitutes a school district.¹⁴ In Florida, there are 67 school districts, corresponding with the 67 counties in the state.¹⁵ Each school district must have a school board composed of five or more members.¹⁶ The school boards operate, control, and supervise all free public schools within the school district and determine the rate of school district taxes within constitutional limits.¹⁷ The powers and duties of district school boards are further prescribed by law.¹⁸

Electors choose district school board members by vote in a nonpartisan election for staggered four-year terms as provided by law.¹⁹ For the purpose of electing district school board members, each school district is divided into at

³ S. [125.60, F.S.](#)

⁴ Ch. 125, Part I, F.S.

⁵ [Art. VIII, s. 1\(f\), Fla. Const.](#)

⁶ [Art. VIII, s. 1\(g\), Fla. Const.](#)

⁷ [Art. VIII, s. 6\(e\), Fla. Const.](#), incorporating by reference ss. 9, 10, 11, 24 from article VIII of the 1885 Constitution, states that these specific provisions respectively for Duval, Miami-Dade, Monroe, and Hillsborough Counties "shall remain in full force and effect as to each county affected, as if this article had not been adopted, until that county shall expressly adopt a charter or home rule plan pursuant to this article."

⁸ These include Alachua, Brevard, Broward, Charlotte, Clay, Columbia, Duval (consolidated government with the City of Jacksonville, ch. 67 -1320, Laws of Fla.), Hillsborough, Lee, Leon, Miami -Dade, Orange, Osceola, Palm Beach, Pinellas, Polk, Sarasota, Seminole, Volusia, and Wakulla Counties. See Florida Association of Counties, [Charter County Information](#), (last visited Mar. 15, 2025).

⁹ [Art. VIII, s. 1\(e\), Fla. Const.](#)

¹⁰ *Id.*

¹¹ *Id.*

¹² The Florida Supreme Court in *Cook v. City of Jacksonville*, 823 So.2d 86, held that counties could not set term limits for constitutional officers, as doing so would create a disqualifying condition not set forth by the Florida constitution. *Telli v. Broward County*, 94 So.3d 504 (Fla.2012) overruled *Cook* allowing charter counties to set their own term limits for constitutional officers, ruling that *Cook* undermined the ability of counties to govern themselves under the broad authority granted by home rule.

¹³ See Florida Association of Counties, [County Term Limits Across the State](#), (last visited Mar. 3, 2025). See also Andrea Chu, [Pinellas County election results: All charter amendments, school millage referendum pass](#), WTSP (last visited Mar. 15, 2025). Brevard, Clay, Duval, Miami -Dade, Orange, Palm Beach, Sarasota and Volusia counties have 8-year term limits for County Commissioners, while Broward, Lee, Pinellas and Polk counties have 12-year term limits.

¹⁴ [Art. IX, s. 4\(a\), Fla. Const.](#); [s. 1001.30, F.S.](#) However, the Florida Constitution provides two or more contiguous counties, upon vote of the electors of each county pursuant to law, may be combined into one school district.

¹⁵ Florida School Boards Association, [Florida School Boards](#) (last visited Mar. 15, 2025). The Florida School for the Deaf and Blind, the Florida Virtual School, and the university laboratory schools are considered independent school districts but their governing boards are not elected.

¹⁶ [Art. IX, s. 4\(a\), Fla. Const.](#)

¹⁷ [Art. IX, s. 4\(b\), Fla. Const.](#)

¹⁸ Ss. [1001.41](#) and [1001.42, F.S.](#)

¹⁹ [Art. IX, s. 4\(a\), Fla. Const.](#); see also ss. [1001.361](#) and [105.031\(1\), F.S.](#)

least five district school board member residence areas, which must be numbered one to five and must be, as nearly as practicable, equal in population.²⁰ For districts with more than five district school board members, the district can be divided into five district school board member residence areas, with the remaining district school board members serving at large, or the district can be divided into district school board member residence areas for each member.²¹

District school board members can be elected by either a district-wide election or a single-member district election.²² In a district-wide election, all qualified electors in the district are entitled to vote for one candidate from each district school board member residence area.²³ The candidate from each district school board member residence area who receives the highest number of votes in the general election is elected to the district school board.²⁴ In school districts with single-member representation, candidates for district school board member are elected only by qualified electors who reside in a specific residence area.²⁵ Current law imposes an eight-year term limit on school district board members.²⁶

Constitutional Term Limits

The Florida Constitution establishes term limits for:

- the Governor, Lieutenant Governor, and members of the state Cabinet;
- state representatives and senators; and
- federal representatives and senators from Florida.²⁷

Term limits imposed by states for federal elected officials were held to be unconstitutional and thus unenforceable by the U.S. Supreme Court in 1995.²⁸

The Florida Constitution states that none of these officials, except for the office of Governor, which is governed by a 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.²⁹ These term limits became effective in 1992 and were prospective, so officials reelected to a term starting in 1992 could serve eight consecutive years before reaching the term limit.³⁰

The Florida Constitution does not set term limits for county commissioners or for school district board members.

²⁰ S. [1001.36\(1\), F.S.](#)

²¹ S. [1001.36\(1\)\(a\), F.S.](#)

²² Ss. [1001.361](#) and [1001.362, F.S.](#) In 40 school districts, school board members are elected by a district-wide vote of electors. As of September 2020, school board members in 22 school districts are elected by a vote of the electors within their residence area (single member district election). In five school districts, some school board members are elected by a vote of the electors within their residence area and others are elected by a district wide vote. Florida School Board Association, [School Board & Superintendent Elections & Composition](#) (last visited Mar. 3, 2025).

²³ S. [1001.361, F.S.](#)

²⁴ *Id.*

²⁵ S. [1001.362\(2\)\(b\), F.S.](#)

²⁶ S. [1001.35, F.S.](#)

²⁷ [Art. VI, s. 4\(c\)](#), and [Art. IV, s. 5\(b\)](#), Fla. Const.

²⁸ See U.S. *Term Limits, Inc. v. Thornton*, 514 U.S. 779 (1995) (holding that the U.S. Constitution prohibits states from imposing congressional qualifications in addition to those enumerated in the document itself). See also *Ray v. Mortham*, 742 So. 2d 276 (Fla. 1999) (holding that term limits imposed on elected state officials were severable from provisions imposing term limits on elected federal officials).

²⁹ [Art. VI, s. 4\(c\), Fla. Const.](#)

³⁰ See [Art. VI, s. 4, Fla. Const.](#)

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2023	HB 477	Rizo	Ingoglia	Became a law on July 1, 2023.
2022	CS/HB 1467	Garrison	Gruters	Became a law on July 1, 2022.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Intergovernmental Affairs Subcommittee	12 Y, 5 N	3/19/2025	Darden	Jones
Education Administration Subcommittee				
State Affairs Committee				