

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 802

INTRODUCER: Senator Ingoglia

SUBJECT: Term Limits for Members of Boards of County Commissioners and District School Boards

DATE: March 7, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Biehl	Roberts	EE	Pre-meeting
2.			CA	
3.			RC	

I. Summary:

SJR 802 proposes an amendment to the Florida Constitution:

- Creating a new term limit of 8 consecutive years for county commissioners.
- Adding the term limit of 8 consecutive years for school board members that currently exists in statute.

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

The Florida Constitution does not address the number of terms a school board member or county commissioner may serve.

District School Board Member Terms of Office

The Florida Constitution provides that “[i]n each school district there shall be a school board composed of five or more members chosen by vote of the electors in a nonpartisan election for appropriately staggered terms of four years, as provided by law.”⁵ This provision has been interpreted to allow school board member qualifications to be established by statute.⁶

In 2022, the Legislature established a term limit of 12 years for district school board members.⁷ The Legislature subsequently reduced the term limit to 8 years. This term limit applies to those individuals elected on or after November 8, 2022.⁸ The term limit is prospective, so that school board members reelected to a consecutive term in 2022 could serve additional consecutive years before being term limited.⁹

County Commissioner Terms of Office

The Florida Constitution provides that each board of county commissioners shall consist of five or seven members serving staggered terms of four years. After each decennial census, the board

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 IX, s. 4(a), FLA. CONST.

⁶ In *Askew v. Thomas*, 293 So.2d 40, 42 (Fla. 1974), the court interpreted section 4(a) of article IX and refused to invoke the constitutional principle that “statutes imposing additional qualifications for office are unconstitutional where the basic document of the constitution itself has already undertaken to set forth those requirement” because that section does not address school board member qualifications. Similarly, in *Telli v. Broward County*, 94 So. 3d 504 (Fla. 2012), the court receded from prior opinions which held that article VI, section 4(b), Florida Constitution, listing the state elected offices with mandatory term limits, prohibited the imposition of term limits on other officials. The court held that “[i]nterpreting Florida’s Constitution to find implied restrictions on powers otherwise authorized is unsound in principle” and that “express restrictions must be found not implied.” *Id.* at 513.

⁷ Chapter 2022-21, s. 1, L.O.F., codified at s. 1001.35, F.S.

⁸ Chapter 2023-37, s. 1, L.O.F.

⁹ *Id.*

of county commissioners divides the county into districts of contiguous territory as nearly equal in population as practicable. One commissioner in each district must be elected as provided by law.¹⁰

The statutes implementing the constitutional provisions specify:

- County commissioners may be elected at-large in some counties and from single-member districts in other counties.¹¹
- For single-member districts, each commissioner from an odd-numbered district is elected at the general election in each year the number of which is a multiplier of four. Each commissioner from an even-numbered district is elected at the general election in each even-numbered year the number of which is not a multiple of four.¹²

Neither the Florida Constitution nor the Florida Statutes currently provide term limits for county commissioners. Currently, 20 Florida counties have adopted charters,¹³ some of which specify term limits for their county commissioners.¹⁴

County Authority Relating to Term Limits

A county with a charter has all powers of self-government not inconsistent with general law or special law approved by the county voters,¹⁵ and may therefore adopt term limits for its county commissioners in the absence of any general law to the contrary.¹⁶

Non-charter counties, however, do not have inherent authority to adopt term limits for county commissioners and may do so only if authorized or required by general law.¹⁷

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.¹⁸ Such amendment must be placed before the electorate at the next general election¹⁹ held more than 90 days after the proposal has been filed with the Secretary of State or at a special

¹⁰ Article VIII, s. 1(e), FLA. CONST.

¹¹ Section 124.011, F.S.

¹² Section 100.041(2)(a), F.S.

¹³ See Florida Association of Counties, *Charter County Information*, available at <https://www.fl-counties.com/about-floridas-counties/charter-county-information/> (last visited January 12, 2024).

¹⁴ The charter for the consolidated City of Jacksonville/Duval County, for example, limits the consecutive service of its county commissioners to three terms (charter available at https://www.fl-counties.com/themes/bootstrap_subtheme/sitefinity/documents/duval.pdf (last visited January 12, 2024)).

¹⁵ Article VIII, s. 1(g), FLA. CONST.

¹⁶ Article III, s. 11 (a)(1) of the Fla. Const. prohibits special laws pertaining to election, jurisdiction or duties of officers, except officers of municipalities, chartered counties, special districts or local governmental agencies. Laws creating term limits are considered laws pertaining to election of officers.

¹⁷ See Attorney General Opinion 2019-03, *Non-charter county may not term-limit commissioners*, April 1, 2019.

¹⁸ Article XI, s. 2, FLA. CONST.

¹⁹ 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.

election held for that purpose.²⁰ Constitutional amendments submitted to the electors must be printed in clear and unambiguous language on the ballot.²¹

Proposed amendments or constitutional revisions must be published in a newspaper of general circulation in each county where a newspaper is published.²² 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.²³ 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 802 proposes an amendment to the Florida Constitution to create a new term limit of 8 consecutive years for county commissioners. Service in a term of office which commences on or before the general election at which the proposal will be on the ballot will not count toward the new term limit. The joint resolution specifies that existing statutory provisions governing decennial redistricting will still apply.

The joint resolution also proposes adding to the Florida Constitution the term limit of 8 consecutive years for school board members that currently exist in statute. It maintains the statutory specification that service in a term of office which commenced before November 8, 2022, does not count toward the term limit.

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.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

²⁰ Article XI, s. 5(a), FLA. CONST.

²¹ Section 101.161(1), F.S.

²² Article XI, s. 5(d), FLA. CONST.

²³ Article XI, s. 5(e), FLA. CONST.

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,²⁴ typically paid from non-recurring General Revenue funds.²⁵ 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.

²⁴ Pursuant to Section 203 of the Voting Rights Act (52 U.S.C.A. § 10503)

²⁵ See, e.g., Ch. 2022-156, Specific Appropriation 3137, Laws of Fla.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following articles of the Florida Constitution: Article VIII and Article IX.

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.
