

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SJR 1666 and 1118

SPONSOR: Committee on Ethics and Elections and Senators Silver and Rossin, and others

SUBJECT: Term Limits

DATE: February 27, 2002 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fox	Rubinas	EE	Favorable/CS
2.	_____	_____	JU	_____
3.	_____	_____	RC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Committee Substitute for Senate Joint Resolutions 1666 and 1118 increases existing term limits for state legislators and cabinet members from 8 years to 12 years. Current office holders are exempt from the term limits extension.

The committee substitute also makes some technical modifications. It removes term limits language for federal office holders, which the U.S. Supreme Court has determined are unenforceable. Also, it maintains but relocates the current 8-year term limit for Lieutenant Governor in a different section of the State Constitution.

The committee substitute, if passed by a 3/5ths vote of each House of the Legislature, will be voted on the 2002 general election ballot.¹ If approved by the voters at that election, the committee substitute will take effect January 7, 2003.

This joint resolution substantially amends Article IV, Section 5 and Article VI, Section 4, and creates Article XII, Section 26, of the Florida Constitution.

II. Present Situation:

The Florida Constitution provides that a Florida Senator, Florida Representative, Florida 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 if the person has served eight consecutive years in that office. The U.S. Supreme Court has held that state limits on the terms of federal office holders violate the U.S. Constitution. See, *U.S. Term Limits, Inc. v. Thornton*, 115 S.Ct. 1842 (1995).

¹ A single-subject amendment to the Constitution can be submitted to the voters in a special election, provided each house of the Legislature so requires by a law enacted by an affirmative three-fourths vote. Art. XI, section 5(a), Fla. Const.

III. Effect of Proposed Changes:

The committee substitute extends the existing term limits for state legislators and cabinet members from 8 to 12 years.

Current office holders are exempted from the term limits extension. Specifically, the committee substitute provides that the term limits extension, "shall apply only to those officers whose consecutive years in office begin in November 2002 or thereafter."

The committee substitute also makes some technical modifications. It removes term limits for federal office holders, which are unenforceable pursuant to U.S. Supreme Court precedent. Also, it maintains but relocates the current 8-year term limit for Lieutenant Governor.

The joint resolution will take effect January 7, 2003, if approved by a vote of the electors at the general election in November.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**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 cost per amendment is estimated to be approximately \$59,000.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Florida voters approved a 1992 constitutional amendment adopting the current “eight is enough” term limit scheme by a margin of about 3 to 1.

The Idaho Legislature recently became the first body to repeal term limits on state and local officers. Those term limits were adopted pursuant to an Idaho citizen statutory initiative in 1994.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill’s sponsor or the Florida Senate.
