

Florida

The 22nd Amendment to the Constitution, which limits a person to being elected to the presidency two times, and sets additional eligibility conditions for presidents who succeed to the presidency, was voted out of Congress by a supermajority vote in both chambers. Between 1947 and 1951, the 22nd Amendment was ratified by 41 state legislatures and officially came into effect after 36 states ratified the amendment in February 1951. Since the history of the 22nd Amendment's passage and the intent of those who ratified it has become relevant again, this factsheet is part of a series covering each state's ratification process.

Florida's consideration of the 22nd Amendment:

- The Florida legislature voted to ratify the 22nd Amendment on April 5, 1951.
- Florida is notable in that it was one of just a few states that voted to ratify the amendment after it crossed the 36 state threshold to become part of the Constitution.
- Due to a quirk of Florida law, the state was never going to be among the first to ratify the amendment. As *The Bradenton Herald* noted in April 1947, the Florida legislature could not take up the amendment during that legislative session since all of the members had been elected before Congress sent the amendment to the states earlier that year.
- The paper explained that Florida's "Constitution provides that a federal amendment can be acted upon only by a legislature which was elected after the amendment was proposed to the states by a joint resolution of the Congress."
- Several years passed before Florida ratified the 22nd Amendment. Neither chamber of Florida's legislature took a final vote on ratification until over a month after the Administrator of General Services certified that the 22nd Amendment had been adopted by the requisite number of states to become part of the Constitution on March 1, 1951.

FLORIDA MUST WAIT

The Florida Legislature can not take action at this session on the proposed twenty-second amendment to the federal Constitution, which, if ratified by 36 states, would prevent a president serving more than two consecutive terms.

Our state's Constitution provides that a federal amendment can be acted upon only by a legislature which was elected after the amendment was proposed to the states by a joint resolution of the Congress. The present proposed amendment can not, therefore, be acted upon by the 1947 session, its members having been elected before the proposal was submitted.

- On April 4, 1951, the Florida Senate overwhelmingly voted to approve Senate Concurrent Resolution 2, to ratify the 22nd Amendment by vote of 34 to 1. The only nay vote was Democratic Senator Luther C. Tucker.
- Later that month, the Florida House unanimously voted 89 to 0 to approve Senate Concurrent Resolution 2 to ratify the proposed amendment.

Cases involving the 22nd Amendment in Florida:

- The only Florida case interpreting the 22nd Amendment is in *Mayfield v. Sec'y, Fla. Dep't of State*, where in a concurring opinion, a justice of the Supreme Court of Florida acknowledges that the amendment creates a "lifetime limit on service" in presidential office.
- In the 2025 Mayfield decision, the Supreme Court of Florida held that the Secretary of State had no statutory discretion to exercise independent judgment as to candidate's constitutional eligibility for office as part of the qualifying review process, and that candidate Mayfield was not barred by the state's constitutional term limits from seeking election to a state senate seat.
- Justice Canady's concurrence agreed that Mayfield could remain on the ballot, but distinguished Florida's "term limit of eight consecutive years" which applies only "to a person who seeks to appear on the ballot for reelection to an office that the person currently holds or would currently hold but for resignation" from the 22nd Amendment, explaining that latter was an example of how "[a] constitutional provision certainly could be fashioned to impose a lifetime limit on service in a particular office." 402 So. 3d 1002, 1011-1012 (Fla. 2025)