

Florida Amendment 5, Two-Thirds Vote of Legislature to Increase Taxes or Fees Amendment (2018)

Florida Amendment 5: Two-Thirds Vote of Legislature to Increase Taxes or Fees Amendment

Election date

[November 6, 2018](#)

Topic

[State legislatures measures](#) and [Taxes](#)

Status

On the ballot

Type

[Constitutional amendment](#)

Origin

[State legislature](#)

Florida Amendment 5, the Two-Thirds Vote of Legislature to Increase Taxes or Fees Amendment, is on the [ballot](#) in [Florida](#) as a [legislatively referred constitutional amendment](#) on [November 6, 2018](#).^[1]

A **"yes"** vote supports requiring a [two-thirds vote](#) of each chamber of the [Florida State Legislature](#) to enact new taxes or fees or increase existing ones.

A **"no"** vote opposes the amendment, thus allowing the state legislature to continue to enact new taxes or fees or increase existing ones, except the corporate income tax, through a simple majority vote.

In Florida, a constitutional amendment requires a 60 percent supermajority vote at the ballot for approval.

Overview

[How did the amendment get on the ballot?](#)

On January 9, 2018, Republican [Gov. Rick Scott](#), in his last State of the State address, called on the state legislature to pass a constitutional amendment requiring a two-thirds vote to increase taxes.^[2] The legislature passed the amendment, which was enrolled as Amendment 5. The [Florida House of Representatives](#) approved the amendment 80-29, with the support of 70 Republicans and 10 Democrats. The [Florida State Senate](#) approved the amendment 25-13. Republicans controlled 23 Senate seats; however, one Republican voted against the amendment. Three Democrats joined with Republicans to pass the amendment, sending Amendment 5 to the ballot.^[3]

[What would the amendment change?](#)

Amendment 5 would require a [two-thirds vote](#) of each chamber of the [Florida State Legislature](#) to enact new taxes or fees or increase existing ones. As of 2018, the state legislature can enact new taxes or fees or increase existing ones, except the [corporate income tax](#), through a simple majority vote in each chamber. Voters approved the [amendment](#) for the corporate income tax, with a three-fifths vote

requirement to increase the tax above 5.0 percent, in [1971](#).^[1] The passage of Amendment 5 would mean that a tax or fee could not be increased along a party-line vote, unless a single party controlled 27 seats in the state Senate and 80 seats in the state House. In 2018, Republicans controlled a majority of seats, but less than two-thirds of seats, in each chamber.

Amendment 5 would also require that a bill enacting a new or increasing an existing tax or fee contain no other subject.^[1]

[Do other states have a similar requirement?](#)

As of 2018, 15 states require a supermajority vote for at least some tax increases. Seven of the states requires a two-thirds (66.67 percent) vote to enact or increase taxes. Five states require a lower threshold of three-fifths (60.00 percent). Three states require a higher threshold of three-fourths (75.00 percent) to enact or increase taxes. The remaining states did not have a supermajority vote requirement to enact or increase taxes.

Text of the measure

Ballot title

The ballot title is as follows:^[1]

“ SUPERMAJORITY VOTE REQUIRED TO IMPOSE, AUTHORIZE, OR RAISE STATE TAXES OR FEES.^[4] ”

Ballot summary

The ballot summary is as follows:^[1]

“ Prohibits the legislature from imposing, authorizing, or raising a state tax or fee except through legislation approved by a two-thirds vote of each house of the legislature in a bill containing no other subject. This proposal does not authorize a state tax or fee otherwise prohibited by the Constitution and does not apply to fees or taxes imposed or authorized to be imposed by a county, municipality, school board, or special district.^[4] ”

Constitutional changes

See also: [Article VII, Florida Constitution](#)

The measure would add a Section 19 to [Article VII](#) of the [Florida Constitution](#).

Support

Supporters

- [Gov. Rick Scott](#) (R)^[5]
- [Rep. Tom Leek](#) (R-25)^[3]
- [Rep. Dane Eagle](#) (R-77)^[3]
- [Rep. Larry Metz](#) (R-32)^[3]
- [Sen. Rob Bradley](#) (R-5)^[6]

Arguments

- **House Speaker [Richard Corcoran](#)** (R-37) said, "We should always make it much more difficult to raise taxes than it is to cut them. This amendment will secure and protect that legacy from future legislatures bent on raising taxes."^[5]
- **[Rep. Tom Leek](#)** (R-25), a legislative sponsor of the amendment, stated, "I believe that taking a citizen's hard earned money should not be taken lightly."^[7]
- **[Rep. Kionne McGhee](#)** (D-117), who voted for the amendment, said, "Politicians should not have the authority to raise taxes when they feel like it. There should be a higher threshold."^[8]
- **[Sen. Rob Bradley](#)** (R-5), a proponent of the amendment, said, "It should be difficult to raise taxes. We want to make it as difficult as possible."^[6]

Opposition

Arguments

- **[Rep. Joseph Geller](#)** (D-100) stated, "I think this is a short-sighted idea. There's simply no need for this. Have some confidence in the people who will sit in these seats after you are gone."^[7]
- **[Rep. Sean Shaw](#)** (D-61) said, "Each and every Session, there's a different tension between taxes and revenue and what we want to spend money on and what we don't. I'm no smarter than someone who's going to come here 10 years from now to vote. And so I don't think I ought to have more power than that person that sits in this seat 10 years from now to vote. They should be able to vote up or down on tax policy, up and down on revenues, just like I do."^[9]
- **[Sen. Jose Javier Rodriguez](#)** (D-27) said, "This legislature would be constrained from raising funds going into the future but when it comes time — like this legislature does every year — to carve special exemptions out of the tax base, there would not be a heightened threshold. What that does is make our tax code more and more and more regressive."^[10]
- **[Tallahassee Mayor Andrew Gillum](#)** (D) said, "It's very clear that they're getting ready for when they're out of power, and trying to stack the deck now as much as possible. Everything we have proposed hinges on our ability to defeat this. "What they want to do is pass this measure now so they'll be able to jam a Democratic governor by forcing votes that will require Republican participation. We have to do everything we can to make sure this does not go through."^[6]
- **Elaine Maag**, a senior research associate at the Tax Policy Center said, "These supermajority rules make policymaking incredibly difficult. If a state can't increase spending because of these very high bars for raising taxes, they can't expand programs even if people in the state want them."^[6]

Campaign finance

Total campaign contributions:

Support:	\$0.00
Opposition:	\$0.00

See also: [Campaign finance requirements for Florida ballot measures](#)

As of July 21, 2018, there were no ballot measure committees registered in support of the measure or in opposition to the measure.^[11]

Polls

The following poll was conducted by Cherry Communications and commissioned by the Florida Chamber of Commerce to gauge voter support and opposition toward the amendments on [Florida's 2018 ballot](#). A total of 605 likely voters were polled, including 237 Republicans, 249 Democrats, and 119 others.^[12]

[hide]Support and Opposition for Amendment 5						
Poll	Support	Oppose	Undecided	Margin of error	Sample size	
Florida Chamber of Commerce Poll 5/25/18 - 6/2/18	34%	36%	30%	+/-4.0	605	

Note: A "0%" finding means the candidate was not a part of the poll. The polls above may not reflect all polls that have been conducted in this race. Those displayed are a random sampling chosen by Ballotpedia staff. If you would like to nominate another poll for inclusion in the table, send an email to editor@ballotpedia.org.