

Trusted Solutions for a Better Florida

Economic Opportunity | Limited Government

Personal Responsibility



2017 Legislative Summary



Statement on the 2017 Legislative Session from JMI's President and CEO

“The 2017 Florida Legislative Session was an important session for Florida’s future. The James Madison Institute worked hard to educate state legislators on policies that significantly advance limited government, personal liberty and economic freedom. Protecting property rights in the Everglades, allowing free markets to flourish in the transportation industry, and increasing educational opportunities for Florida’s children are just a few of the ways the Florida Legislature stepped forward and showed the nation that freedom and liberty can work. We want to thank Governor Scott, Senate President Negron and House Speaker Corcoran for their continued leadership and commitment to the Sunshine State’s future.”

–Dr. J. Robert McClure

Update from the J. Stanley Marshall Center for Educational Options

The 2017 Legislative Session proved to be a dynamic – and productive – one for champions of education reform in the state of Florida. JMI supported a number of innovative ideas that were adopted into law, including:



William Mattox
DIRECTOR

- **Expansion of the Gardiner Scholarship for Students with Unique Abilities.** This measure makes more special-needs students eligible for innovative “flexible-spending accounts” that their parents can use to pay for books, tuition, therapies, and other education expenses.
- **Expansion of the Tax Credit Scholarship.** This new law raises the per-pupil dollar amount of this scholarship program, thereby enabling economically-disadvantaged students to enjoy the range of schooling options that more affluent Floridians enjoy.
- **Digital Education Access.** This measure removes the last remaining “prior public school enrollment” requirement in digital education, so that all K-12 Florida students will now have unfettered access to Florida Virtual School courses.
- **Schools of Hope.** This new law provides incentive funding for already-successful charter school enterprises to open new schools in districts with chronically-failing public schools.
- **Summer Use of Bright Futures Scholarships.** The new state budget makes it possible for college students receiving the Bright Futures Scholarship

to use these funds to take summer classes.

In addition to these efforts, JMI’s Marshall Center called for policymakers and higher education officials to eliminate restrictions on campus free speech. We sponsored legislative testimony by a nationally-recognized expert on this topic and penned an article for the Sun-Sentinel contrasting the wisdom of the student protesters from the civil rights era with the folly of many campus agitators today.

Finally, JMI monitored a number of education proposals that stirred passions in this session, including proposals to mandate recess, to streamline the process for parents to register objections about curriculum content, and to reaffirm students’ constitutional right to religious expression in public schools. Throughout these debates, we often reminded people that many of the most-divisive education debates are the byproduct of a centrally-controlled system in which politicians make decisions that parents ought to make.

To that end, JMI’s Marshall Center continued to call for universal parental choice in K-12 education, publishing essays and articles in a number of publications, most notably The Wall Street Journal.

Update from the Center for Economic Prosperity

The 2017 legislative session started off with a very bold, ambitious, and principled set of priorities to advance limited government and economic prosperity for all Floridians. As the chambers navigated many substantial policy issues between themselves and the Governor, there were a number of policy initiatives that took a back seat to the more contentious debates.



Sal Nuzzo
DIRECTOR

Consequently, while a few of JMI's priorities were in fact addressed, there is much work to be continued in 2018:

- **Ridesharing and Transportation Network Companies.** After five long years of debate, the chambers agreed on legislation that would both preempt local restrictions of rideshare applications like Uber and Lyft and establish a set of statewide insurance requirements to protect consumers.
- **Cottage Food.** Florida has some of the more restrictive regulations in the U.S. governing the ability of entrepreneurs to start food service businesses in home locations. Small businesses such as cake bakers, pastry chefs, and other ambitious Florida entrepreneurial ventures faced the prospect of expending thousands of dollars and man hours in regulatory compliance when their business reached an arbitrary threshold of \$15,000 in gross revenue. While completely eliminating this regulation would be the ideal policy, the legislature took a positive step in raising the threshold to \$50,000 – a much more realistic level for home-based businesses.
- **Economic Development.** After an intense and at times contentious debate between the Governor, House, and Senate on the most appropriate role for State funding of economic development activities, a compromise was reached that both honors conservative fiscal principles of not picking winners and losers and which maintains a strong role for the State in keeping Florida at the top of the nation in economic prosperity and business climate. The Florida Job Growth Fund will be housed in the Department of Economic Opportunity, which will provide funds for infrastructure, workforce development, and other industry initiatives but is specifically prohibited from going to individual companies in the form of tax incentives.

Many issues near and dear to JMI and our members – occupational licensing reform, criminal justice reform, and health care reform – all made strides through committees and the chambers, but were abandoned as the regular session concluded.

Update from the Center for Property Rights

The James Madison Institute's Center for Property Rights provided educational resources related to broad-reaching issues in the 2017 Legislative Session. These issues will have major implications for property owners and all Florida taxpayers. One major issue that JMI was actively involved in was:



Daniel Peterson
DIRECTOR

- **Everglades Restoration.** This legislation allows for the construction of a southern water storage reservoir as the solution to algae problems caused by mandated releases of water from Lake Okeechobee. The original bill called for using 60,000 acres of productive private agricultural lands upon which to build a reservoir, left the door open for the use of eminent domain, and proposed to borrow as much as \$1.2 billion. JMI contributed to the debate by issuing an economic backgrounder, "Sticker Shock," describing the negative impact of such legislation on local and state economies. Op-eds by Dan Peterson highlighted these issues and provided an alternative solution: accelerating renovations to the Herbert Hoover Dike allowing for nearly twice the amount of water storage in a shorter time. In the end, Governor Scott signed a much-improved bill, which used already-owned government property, rejected the use of eminent

domain, and significantly reduced the amount of money to be borrowed. At stake was tens of thousands of acres of productive agricultural land, hundreds of millions of dollars in economic activity and thousands of jobs. This issue was the single largest issue that faced the legislature and JMI was right in the middle of the process.

Future Policy Priorities

As with most years, the last few days of the session proved to be a race against the clock on policy efforts. With respect to JMI's policy priorities, several issues made it through one of the two chambers of the legislature, but unfortunately did not make it across the finish line in time.

We are already making progress toward the 2018 legislative session, which begins officially on January 9, 2018. Pre-session committee weeks will commence in September, and the impending election year will mean a very tightly-packed schedule for policy. Efforts JMI will continue to advance include:

CENTER FOR ECONOMIC PROSPERITY

- Working toward market-based policies to expand the supply of health care practitioners (Direct Primary Care, telemedicine, scope of practice, repealing certificate of need laws).
- Promoting the removal of archaic, unnecessary, and anti-competitive occupational licenses.
- Advancing much-needed criminal justice reforms to both improve public safety and properly steward tax dollars. These reforms will include restoring judicial discretion in sentencing as well as how children are sent into the adult system, examining the thresholds for offenses such as petit theft, and the expansion of pre-arrest diversion programs.

CENTER FOR EDUCATIONAL OPTIONS

- Expanding existing choice programs (Gardiner, Tax Credit Scholarship, etc.).
- Adopting a universal PLSA program (similar to the one AZ recently adopted) for all interested K-12 students in FL.
- Adopting new legislation ensuring free speech protections on all publicly-funded college campuses in FL.
- Adding the new Classical Learning Test (CLT) to the SAT and ACT for consideration in college admissions to FL schools, Bright Futures scholarships, and Best and Brightest bonuses.
- Allowing computer coding courses to satisfy the foreign language course requirement for an advanced diploma in FL.

CENTER FOR PROPERTY RIGHTS

- Seeking inclusion of a property rights element in local comprehensive plans.
- Protecting private property owners from the misuse of customary use.
- Continuing to monitor and encourage appropriate uses of Amendment 1 revenues.
- Continuing to monitor Everglades restoration efforts while protecting private property rights.
- Promoting scientific perspectives on septic system use.

JMI will continue to work in tandem with coalitions of like-minded stakeholders, to conduct scholarly policy studies, and to release educational materials and opinion articles to expand our scope of influence over policy debates moving into 2018.