

2018 POLICY PRIORITIES



The James Madison Institute exists because economic freedom, free-enterprise systems and free-market principles possess the best hope for Florida and its citizens to succeed, thrive and prosper. These principles deserve a champion.

We take up that mantle.



Trusted Solutions for a Better Florida

Economic Opportunity | Limited Government | Personal Responsibility

President's Message



Over the past year, there has been no lack of debate, contention, or drama emanating from the corridors of Washington, D.C. Whether it was the high stakes effort to assure the confirmation of Supreme Court Justice Neil Gorsuch, the tumultuous day-to-day

of the Trump White House, or the inability of Congress to make good on its seven-year promise to repeal the failing federal healthcare experiment of Obamacare, “the swamp” is absolutely earning its moniker. Washington continues to illustrate the reasons why most Americans view it as hopelessly broken.

It is precisely for this reason, among others, that our Founders envisioned a collection of states that would serve, in the words of Supreme Court Justice Louis Brandeis, as “laboratories of democracy,” rather than an aggressive, overreaching federal government far from the people.

If the first year of the Trump Administration has taught us anything, it is that the real key to ensuring our continued economic progress lies not in Washington, D.C., but in the states. Indeed, this is how the Founders intended it. We now see a growing respect and appreciation, even among those philosophically on “the Left,” for the principles of federalism, checks and balances, and a limited executive. Our experiment in self-governance is working. Through all the fog of

political battles, we should retain pride in that. Because of JMI’s effectiveness, we have been called to Washington numerous times, as those who care about liberty have looked to us for help.

The policy team at JMI has worked diligently not just in Tallahassee, but also in the corridors of D.C. to ensure that the principles of federalism, limited government, and economic freedom are advanced. We have met with Cabinet secretaries, members of both the President’s and Vice President’s policy teams, Congressional leadership, and our national partners to focus on issues such as health care, energy and environmental policy, regulatory reform, and other policy areas to advance our mission.

Florida’s story is one that we offer to the rest of the country as an example of how our principles are improving lives and creating generations of prosperity. That story needs to be exported and we are happily heeding the call.

To that end, the policy team at JMI has compiled a robust and visionary set of policy priorities for 2018. Our priorities will continue to focus on realistic reforms we see within our great state to advance the cause of liberty. We remain steadfast in the belief that continued commitment to limiting the footprint of government control in our lives, pursuing free markets through competition, protecting private property, and expanding the ability of parents to choose the best educational settings for their children will continue to make the Sunshine State a beacon of liberty and prosperity for the rest of the world.

It is our pleasure to provide our policy priorities for 2018.

J. Robert McClure III, Ph.D.
President and CEO
The James Madison Institute

2018 Policy Priorities for the Center for Property Rights

Florida is the third-most populous state in the U.S. A look at history and an evaluation of the countries of today’s world give evidence that as a nation’s property goes, so go the liberties and prosperity of a nation. One of our founding fathers, Arthur Lee of Virginia said, “The right of property is the guardian of every other right. And to deprive a people of this is to deprive them of their liberty.”

In recent years, the Center for Property Rights has stood up and spoken out to protect property owners from the steady creep of regulatory restrictions, from injustice that has limited the rights of property owners, and from efforts by special interests that would skew objective truth regarding the use of scientific data or the lack thereof.

It is this approach that illustrates why issues such as the 2014 Amendment 1, civil asset forfeiture, the growing ownership of land by government, the real story of Everglades restoration, Florida’s water policy, the EPA’s redefinition of Waters of the United States, and efforts to control our generation of electricity have been addressed by JMI to inform taxpayers and provide objective, concise policy recommendations. These issues will continue to be our focus because they are worthy of vigilant attention.

The Center for Property Rights exists to maximize the liberty of private property owners and limit the role of government through public policy recommendations that include a balanced approach of government regarding:

- Constitutional guarantees and protections of private property with emphasis on eminent domain and property forfeiture
- Government restrictions on property through laws, regulations, and agency rules
- Exposure of current and future threats to restrict property rights, especially in the name of environmental protection and sustainability
- Exposure of current and future threats to reduce or eliminate private property, especially in the name of conservation and the “public good”

The 2018 priorities for the Center for Property Rights include:

- 1. Protect the constitutional principles of private property rights in Florida**
 - a. Objectively look at the role of Florida’s constitution, laws, regulations, and rules affecting property rights
 - b. Identify the greatest obstacles and protections to property use in the pursuit of personal liberty and economic growth
 - c. Offer principled ideas to enhance property rights while balancing those rights with public safety, public health, and environmental sustainability
- 2. Address Florida’s water future (addressing both water quality and quantity) through sound, practical free-market models**
 - a. Introduce free-market approaches to water use that will promote both conservation and quality over the long term
 - b. Espouse a principled approach to the allocation of public funds that encourages maintenance of existing state-owned land, proper prioritization and fiscal conservatism
- 3. Promote an economically-balanced and constitutionally-principled approach to sustainability and environmental efforts**
 - a. Address the real impact of maintaining “economic sustainability” while seeking to maintain “environmental sustainability”
 - b. Encourage the use of scientific data as a basis for developing and or continuing environmental projects



2018 Policy Priorities for the Center for Economic Prosperity

Florida's story of success has largely been one of leading the way in policies that promote economic prosperity through market competition, liberty, and freedom. Over the past 20 years, more than two TRILLION dollars in wealth has migrated from high-tax, low-freedom states to states that uphold liberty. Florida has seen more than \$127 billion of that total. It's no surprise that the top three states Florida has poached from are New York, New Jersey, and Illinois.

How have we succeeded? We've succeeded through a consistent, fair, and competitive business climate that has become a destination for industry. We have succeeded via a tax and regulatory structure that rewards entrepreneurship. We have succeeded by embracing innovation rather than stifling it. We have succeeded by championing capitalism and free markets and rejecting cronyism and rigged markets.

The housing crisis and the Great Recession hit Florida harder than just about every other state, and it was the conservative free-market principles embraced by the state's leaders that helped us rebound faster than anyone.

Our success is coming not in spite of the policies of the state's government, but because of them. In seven years under Gov. Rick Scott, Florida has added well more than 1 million private-sector jobs. State legislators have enacted sound and practical tax policies designed to keep government overreach at a minimum and prosperity at a maximum.

It is because of this vision that the Mercatus Center at George Mason University ranked Florida's fiscal condition number 1 in the nation. Mercatus points directly to the conclusion that Illinois, Connecticut and so many other struggling states should begin to embrace — that conservative fiscal principles lead to prosperity.

Just in the past two years, policy makers have embraced



Center for Economic Prosperity Director and Vice President of Policy, Sal Nuzzo doing an interview with statewide television on criminal justice.

the vision of free-market leaders and begun substantive dialogues on topics such as how to positively address the challenges in health care access and provision, the proper role of reforming our criminal justice system to both promote public safety and steward taxpayer dollars effectively, and how to evolve a 20th century regulatory system to adapt to 21st century technology and innovation.

There remains much to be done. Our efforts in 2018 will continue to press for common sense, practical policy concepts that can continue to place Florida on a trajectory to be the model for the entire U.S. to follow.

The mission of The Center for Economic Prosperity is to promote free-market solutions that unleash entrepreneurialism and fuel the American economic engine for all. The Center publishes scholarly work, holds educational campaigns and events, builds coalitions, and promotes policy reform in the areas of:

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| ■ Criminal Justice | ■ Property Insurance |
| ■ Healthcare | ■ Public Pensions |
| ■ Philanthropy | ■ Tax & Regulations |

The 2018 priorities for the Center for Economic Prosperity include:

1. **Encourage innovation and entrepreneurialism in the marketplace and oppose regulations that seek only to restrict competition among market participants**
 - a. Reform Florida's job-constraining occupational licensing system and promote market-based alternatives
 - b. Advance the innovations of the sharing economy and promote free-market policies to discourage anti-competitive regulations
 - c. Oppose encroachment by local governments into areas that are best served by private markets
2. **Promote positive economic and constitutionally-principled reforms in the criminal justice system**
 - a. Restore judicial discretion in sentencing policies to ensure that individuals are provided with appropriate due process protections
 - b. Expand awareness and use of pre-arrest diversion programs, such as civil citations, as tools for both public safety and long-term economic opportunity
 - c. Work to address outdated laws and policies that will both increase public safety and better steward taxpayer dollars

3. **Champion supply-side healthcare policies that will serve Florida's unique demographics**
 - a. Expand the concept of direct primary care as an innovative alternative to traditional insurance coverage
 - b. Reform Florida's antiquated, inefficient, and anti-competitive certificate of need laws for health care facilities
 - c. Encourage the expansion of scope of practice to include innovative and reasonable reforms such as dental therapists and more autonomy for Advanced Registered Nurse Practitioners (ARNPs)
 - d. Promote innovation in Florida's Medicaid program to ensure that it serves our most needy appropriately, while providing opportunities and incentives for individuals to become self-sufficient
4. **Advance continued reform of Florida's property insurance market**
 - a. Promote sensible tort reforms to stem abuse of Florida's Assignment of Benefits rules
 - b. Support efforts to employ free-market principles in the Florida CAT Fund through greater risk diversity



2018 Policy Priorities for the Center for Educational Options

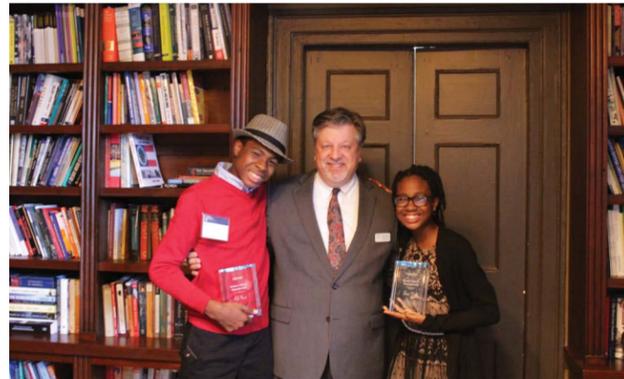
Over the last two decades, an amazing transformation has taken place in K-12 education. Whereas Florida once lagged behind most other states in various measures of student achievement, today the Sunshine State annually ranks among the nation's best. Importantly, these learning gains have touched all kinds of Florida students: average NAEP scores for minority students in Florida now exceed the average scores for all students in many states.

Moreover, Florida's incredible progress over the last century cannot be attributed to greater spending on K-12 education. In fact, a research team that included scholars from Harvard and Stanford found that Florida has increased spending on K-12 education less than any other state since the early 1990s; yet, Florida has experienced the second-highest student learning gains in the country over this same period.

So, what is the Sunshine State's secret? Why has Florida become the nation's "gold standard" for K-12 educational transformation? Many factors no doubt have played a role – such as raising standards, emphasizing early reading, integrating digital learning opportunities, and expanding educational options – but if one had to try to capture Florida's secret in a single phrase, it might be this: We've been on the cutting edge of student-centered learning.

Perhaps nowhere is this emphasis on personalized learning – on customizing education to the unique needs and interests of the individual student – more apparent than in the 2016 adoption of the Gardiner Scholarship for special-needs children. This innovative program takes the per-pupil funds designated for the education of a K-12 student and puts them into a Personalized Learning Scholarship Account (PLSA) that the parents can draw on to purchase a wide variety of educational programs and resources (including tuition, books, tutoring, therapy, online courses, testing services, and the like).

While the Gardiner Scholarship is now reaching several thousand Florida students, many schoolchildren beyond those with special needs could benefit from a program like this – including some who live in "good" school districts where the aggregate test scores are solid. That's because aggregate measures of group success aren't worth a hill of beans if one's "good" local school proves to be a poor fit for one's own child. And since no school can be expected to be a good fit for every student – even Harvard has students who transfer elsewhere – education policy needs to give parents the freedom to find



Marshall Center director William Mattox with the stars of JMI's short film, "Taking Flight: The Customized Education of R.J. and Trinity Wood."

the optimal educational arrangement for their child (even if that means adopting a "hybrid" schooling strategy that combines learning opportunities from multiple providers, as the Gardiner PLSA allows).

Were he still with us, JMI founder J. Stanley Marshall would no doubt be advocating for expanding Personal Learning Scholarship Accounts to all Florida students, not just those with special needs. And he'd surely appreciate seeing JMI champion the idea that a universal PLSA scholarship program ought to be named for Mary McLeod Bethune, the pioneering Florida educator whom Dr. Marshall greatly admired. (Dr. Marshall served on the Board of Trustees at Bethune-Cookman for many years.)

Clearly, Florida needs to continue expanding learning options for students – and not just in the schools they attend, but also in the qualifying courses and tests that they take. To this end, policymakers should be adding the highly-regarded Classical Learning Test (CLT) to the array of college placement tests (SAT and ACT) that affect student eligibility for Bright Futures Scholarships and teacher eligibility for Best & Brightest bonus pay. In addition, policymakers should give high school students seeking an advanced diploma the option of substituting computer coding courses for foreign language requirements, just as the University of Florida and Florida State University permit such substitutions for certain majors.

Offering these new test and course options will help ensure that learning opportunities meet each family's priorities and needs – whether that's a curriculum emphasizing the classical liberal arts or one offering specialized training in the highly-practical STEM disciplines. And expanding such options need

not come – and, indeed, should not come – at the expense of certain core functions, such as preparing K-12 students for the responsibilities of citizenship.

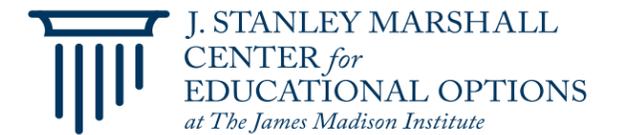
In fact, Florida would be wise to follow the lead of a number of other states which now require students to pass the U.S. Citizenship Test (given to immigrants seeking to become naturalized citizens) in order to obtain a high school diploma. Such a requirement would not only underscore the importance of a civics education grounded in our nation's founding principles, but it also very likely would cultivate greater appreciation and respect for immigrants following the legal processes to become "Americans by choice" (as President Reagan liked to call them).

Finally, if Dr. Marshall were still with us, he also no doubt would be working to promote greater intellectual diversity on college campuses. During his time as president of Florida State University, FSU became a hotbed of campus activism that prompted some to call it "the Berkeley of the South." Yet, Dr. Marshall managed to lead the university through this turbulent period without having FSU surrender its core mission. Indeed, Dr. Marshall understood that the healthy clash of differing ideas and perspectives fostered the pursuit of truth.

Sadly, many college administrators in our day have cowered in the face of politically-correct forces seeking to exclude certain ideas from intellectual consideration. Consequently, students today are often cheated out of a rich educational experience – and many enter post-college life ill-prepared for a world without "trigger warnings" and "safe spaces."

These larger trends in higher education present a tremendous opportunity for Florida colleges and universities to distinguish themselves as citadels of free thought and intellectual expression. Indeed, few developments would do more to enhance the reputation of Florida's colleges and universities than to become known as the most intellectually-diverse institutions of higher learning in the country.

Accordingly, policymakers should work to foster freedom of thought and expression on Florida campuses – and should tie future performance funding to a series of metrics designed to protect and promote intellectual diversity in campus life.



2018 Policy Priorities for the J. Stanley Marshall Center for Educational Options

1. Expanding Schooling Options for All K-12 Students

- Adopt a universal Mary McLeod Bethune Scholarship, modeled after the Gardiner PLSA, so that all K-12 students can have access to the full range of learning programs
- Defend and expand the Tax Credit Scholarship program, the Schools of Hope initiative, and other existing programs that serve many of our state's neediest students

2. Expanding Course and Testing Options for High School Students

- Add the Classical Learning Test (CLT) to the array of college placement test options used to determine eligibility for Bright Futures scholarships for students and Best & Brightest bonus pay for teachers
- Permit students seeking an advanced diploma to substitute computer coding courses for foreign language requirements, if they so wish

3. Strengthening Civics Education Rooted in America's Founding Principles

- Require Florida students seeking a high school diploma to pass the U.S. Citizenship test (given to immigrants interested in becoming naturalized citizens)
- Encourage Florida schools to host naturalization ceremonies periodically so that their students can witness the final stage in the legal process of becoming an "American by choice"

4. Promoting Intellectual Diversity in Higher Education

- Encourage Florida institutions of higher education to eliminate "restricted-speech zones" and other unconstitutional hindrances to free expression on college campuses
- Urge all Florida colleges and universities to adopt an official statement affirming the importance of intellectual freedom and diversity of thought on college campuses (such as the one adopted by the University of Chicago and a number of other leading institutions)
- Add the items above, along with a commitment to intellectual diversity in faculty hiring and student admissions, to the criteria used to determine higher education performance funding each year



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