

2021 Legislative Agenda

Florida Policy Institute supports measures help make the state a place where families can build a healthy future and where both workers and businesses can thrive. Florida Policy Institute’s “Roadmap to Shared Prosperity” is a guide to achieving this vision through policy. This includes:

- ▶ Fostering community well-being by investing in education and health
- ▶ Spurring sustainable growth by promoting equitable economic development, investing in smart infrastructure, and improving climate resilience
- ▶ Advancing shared prosperity by nurturing inclusive communities and building a strong safety net
- ▶ Cleaning up and modernizing the tax code for a stronger future

These priorities are achievable through common-sense legislation. FPI’s legislative agenda for 2021, which is centered on the goals set forth in the roadmap, outlines the organization’s priorities for the upcoming session and indicates the policies that FPI supports or opposes.

Florida lawmakers can help grow an economy that generates broadly shared benefits across the state and in every community by undertaking the policy recommendations below.

Healthy Communities

Fostering community well-being by investing in education and health

Key 2021 FPI Priority

SUPPORT: Expanding Medicaid to all adults with low income

Florida is one of only 12 states that has not expanded its Medicaid program under the Affordable Care Act to all adults with income under 138 percent of the federal poverty level. Medicaid expansion would help more than 1.5 million uninsured Floridians access affordable health care, which is especially critical amid the COVID-19 public health crisis. Many of the Floridians who could gain coverage through expansion are people of color at elevated risk of complications and death from the virus.

Expanding Medicaid would also bring [\\$14.3 billion in new federal dollars](#) to Florida over a five-year period. Researchers project state general revenue savings in the range of [\\$198.9 million annually](#) to [\\$385 million over a five year period](#). The additional federal funding would be one of the most rapid, proven-effective ways to [deliver fiscal relief to Florida's economy](#) during this economic downturn.

FPI supports expanding the state’s Medicaid program.

Key 2021 FPI Priority

SUPPORT: Requiring AHCA to report on Medicaid managed care quality performance measures disaggregated by race, ethnicity, primary language, sex and disability.

Florida's Statewide Medicaid Managed Care Program (SMMC) provides a valuable opportunity to reduce health disparities and unnecessary costs. Over 3 million beneficiaries are enrolled in the program. When it created the SMMC, the Florida Legislature recognized that health plan performance measures are a key tool for gauging quality of care. Current law (§409.967, Florida Statutes) requires the Agency for Health Care Administration (AHCA) to collect from the health plans and publicly report performance measure data. AHCA reports that quality of health care provided under the SMMC is steadily rising as demonstrated through improvement on performance measures. However, there is no requirement in Florida law that AHCA collect and report this data broken down by race, ethnicity, primary language, sex or disability. Experts agree that collection of this data is an essential first step for developing targeted strategies to eliminate disparities. Moreover, this will help ensure greater transparency of the \$19 billion public investment in the Medicaid managed care program.

OPPOSE: Cutting and/or restricting access to Medicaid

FPI will oppose policies that seek to undermine and restrict access to Medicaid, including:

- ▶ Future cuts to Retroactive Medicaid Eligibility (RME). The FY 2020-2021 extended a drastic cut to retroactive Medicaid eligibility that was first included in the previous year's budget. However, [a 2020 bill](#) that would have made this cut permanent died in the committee process. RME provides a crucial three-month window of retroactive coverage for people facing unexpected, dire illnesses or severe disabilities, or those needing nursing home care. FPI opposes efforts to extend cuts to RME or to make them permanent.
- ▶ Medicaid "work" requirements. [FPI opposes adding overly onerous "work" requirements](#) — also known as paperwork requirements — to Medicaid. Proposed in 2019, these policies create arbitrary barriers that are often impossible to overcome for many people on Medicaid. More than 80 percent of Florida Medicaid enrollees are children, seniors and people with disabilities. The remainder are mostly very low-income parents/caretaker relatives of minor children and young adults, including those aging out of foster care. Fifty-six percent of adult Florida Medicaid enrollees are [already working](#). Those who don't work are primarily people with illnesses or disabilities, students or caretakers for a family member.
- ▶ Block granting Medicaid. The idea of a federal block grant for Medicaid has been floated for many years as a cost containment strategy. However, block granting Medicaid would significantly curtail the federal funds Florida receives in the future — a harmful prospect considering the state's growing population. FPI will continue to oppose and push back against [block granting Medicaid](#).

SUPPORT: Incorporate Affordable Care Act consumer protections into state law, including protecting Floridians with pre-existing conditions from future price shocks

There are ongoing efforts to overturn the Affordable Care Act (ACA), including pending litigation before the U.S. Supreme Court, which would put quality, affordable health care coverage out of reach for millions of Floridians. Florida law does not currently provide vital ACA consumer protections, such as prohibiting insurers

from charging higher premiums for people with pre-existing conditions; banning insurers from imposing annual or lifetime dollar limits on health care; requiring coverage of essential health insurance benefits; allowing young adults to remain on a parent's health insurance plan until the age of 26; as well as a number of other protections.

SUPPORT: Authorizing “dental therapists”

A new category of oral health practitioner — “[dental therapists](#)” — has been established in Minnesota, Maine, Vermont, Oregon and Washington, while multiple other states are considering adding them to the oral health workforce.

A report from the [James Madison Institute](#) found numerous benefits to authorizing dental therapists: increased access to care and improved oral health outcomes for underserved populations, reductions in wait and travel time and additional revenue injected into local economies.

FPI supports legislation that would authorize dental therapists as a new occupation.

SUPPORT: Increased, recurring, transparent mental health funding in the state budget

Mental Health of America recently ranked Florida 48th nationwide on access to mental health care. It specifically noted that 633,000 Florida adults with mental illness and 116,000 youth with depression had unmet treatment needs. However, since the pandemic, [these numbers are likely worse](#). People of color, who have faced long-standing, systemic barriers to accessing affordable health and mental health care services, have been disproportionately impacted by Florida's increasing rate of mental illness.

Despite the unmet needs of residents, Florida's [per capita funding for mental health](#), as compared to the rest of the nation, ranks in the bottom.

Not only is the level of funding problematic; the state is over-reliant on time-limited, uncertain funding to support core services, and an extraordinarily fragmented administrative structure for distribution of and accountability for these dollars.

FPI supports increased, recurring, and more transparent state funding for mental health services.

SUPPORT: Increased funding for child care programs

Child care is one of the largest expenses that Florida families face — the average cost of child care for a 4-year-old in Florida is \$7,282 annually, [according to the Economic Policy Institute](#) (EPI). The average annual cost of infant care is \$9,238. The COVID-19 pandemic and economic recession have only exacerbated this cost burden. Florida's School Readiness program provides subsidies for child care for low-income families; however, only 15 percent of eligible families in the state currently receive subsidies. Additionally, the COVID-19 crisis threatens the viability of Florida's child care operations.

FPI supports boosting funding for both School Readiness and the Voluntary Pre-K program in order to better serve more families and buoy child care operators through the COVID-19 crisis.

SUPPORT: Native language assessments

Florida is one of only a handful of states — and the state with the largest immigrant population — that forces students to take tests in English, even if the subject is unrelated (like math). For example, Texas—another Southern state with a large immigrant population—has mandated [statewide Spanish-language assessments](#) since the late 1990s. Not following suit here in Florida leads many students to be held back unnecessarily.

FPI supports proposals that would offer exams to students in their native language so they can fully contribute to society.

SUPPORT: State financial aid for college students who are undocumented

Twelve states and D.C. [offer state financial aid to students who are undocumented](#) (also known as DREAMers). Florida already extended in-state tuition to Florida’s DREAMers.

FPI supports opening eligibility to both merit- and need-based financial aid to all undocumented students who are currently eligible for in-state tuition, including DACA (Deferred Action for Childhood Arrivals) Program recipients and those here on Temporary Protected Status (TPS). This would help boost college completion rates and the skills and wages of the state workforce.

A Thriving & Resilient Economy

[Spurring sustainable growth by promoting equitable economic development, investing in smart infrastructure, and improving climate resilience](#)

SUPPORT: Halting M-CORES project

Multi-use Corridors of Regional Economic Significance (M-CORES) is an initiative to create tolled expressways through three designated corridors in Florida: the Southwest-Central Florida Connector, the Suncoast Connector, and the Northern Turnpike Connector. In 2019, state leaders fast-tracked legislation to implement this 330-mile toll road project, despite strong opposition from nonprofits, conservation groups, good government organizations, and residents across the state.

The state Legislature has yet to ask the Florida Department of Transportation to estimate the true expense of M-CORES, and it’s because the actual number is probably upward of \$10 billion. In addition to the issue of cost, construction of the tolled expressways would endanger wildlife and destroy thousands of acres of undeveloped land.

FPI supports an immediate halt to M-CORES.

SUPPORT: Full funding of Florida Forever

Florida Forever is a critical program that allows the state to acquire and preserve ecologically important land and prevent future environmental problems. The Florida Forever Act was passed in 1999, authorizing \$300 million in bonds for 10 years to support conservation efforts. Funding was appropriated in full until 2008, when it was then significantly reduced or eliminated.

In 2014, Florida voters approved a state constitutional amendment requiring that 33 percent of the net revenue collected from the excise tax on documents be put into the Land Acquisition Trust Fund, for the

purchase, restoration, and management of conservation properties through Florida Forever, as well as other conservation initiatives. However, since the amendment was adopted, [the Florida Legislature had diverted monies](#) intended for the trust fund to pay for other state operating expenses.

FPI supports full funding of this crucial conservation fund.

Shared Prosperity

Advancing shared prosperity by nurturing inclusive communities and building a strong safety net

Key 2020 FPI Priority

SUPPORT: Reducing occupational licensing barriers for returning citizens

Florida law prohibits persons with certain criminal offenses in their background from obtaining occupational licenses, and occupational licensing boards can broadly factor criminal backgrounds into licensing decisions through “good character” provisions. This creates an arbitrary barrier for returning citizens to gaining access to dozens of occupations, increasing both financial insecurity and recidivism. FPI supports legislative changes that would reduce barriers for returning citizens to obtain occupational licenses.

Key 2020 FPI Priority

SUPPORT: State Earned Income Tax Credit

The federal Earned Income Tax Credit (EITC) is a [crucial anti-poverty tool](#) for low- and moderate-income working people. In [2019](#), the EITC brought back \$5.3 billion to 2.1 million households in Florida, with an average credit of \$2,500. This money provides [big benefits to local economies](#), as recipients use refunds for immediate needs like back-to-school items, groceries, or down payments for transportation to work. During the 2017 tax year the average EITC was \$3,191 for a family with children, which boosted wages by about \$266 a month, [according to the nonpartisan Center on Budget and Policy Priorities](#).

Thirty states have their own version of the EITC. During the 2020 session legislation [a bill was introduced](#) that would have created a “working families tax rebate,” which would provide families with up to 10 percent of their federal EITC.

FPI supports legislation that would establish a state EITC or working families tax rebate.

SUPPORT: State version of federal First Step Act

In 2019 the [federal First Step Act](#) was signed to law, which prioritizes family visitation by instituting a general rule requiring that inmates are placed closer to their families. enables judges to avoid handing down mandatory minimum sentences, eliminates the shackling of inmates during childbirth, and makes changes retroactively to certain laws that decrease criminal penalties, among other reforms.

FPI supports enacting smart state-level reforms similar to those in the First Step act.

SUPPORT: Eliminating driver's license suspensions for non-payment of fines and fees

Florida courts' over-reliance on driver's license suspension as a punishment for nonpayment of court fines and fees is counterintuitive: it leaves many Floridians without a valid driver license which makes it harder for them to get to work, and greatly harm those who don't have the ability to pay.

FPI supports legislative changes that would prohibit the suspension of driver's licenses for nonpayment of court fines and fees.

OPPOSE: Policies that undermine TANF and SNAP

In 2018, the Florida Legislature conducted a [study](#) of TANF (Temporary Assistance to Needy Families) Employment & Training (E&T) requirements and found that TANF recipients subject to work requirements face many barriers to compliance that result in sanctions. Those barriers include lack of transportation, no childcare, and health problems. FPI opposes legislation that would significantly lengthen the sanction period for people unable to comply with work requirements in the TANF E&T program.

FPI also [opposes federal-level efforts](#) to gut SNAP (Supplemental Nutrition Assistance Program) Broad Based Categorical Eligibility, which would reduce the SNAP eligibility income limit from 200 percent to 130 percent of the federal poverty level, ending food assistance for 325,000 Floridians. FPI will oppose any policy that undermines the impact, effectiveness and/or intent of the SNAP and TANF programs.

SUPPORT: Reforming Florida's broken unemployment insurance system

Florida's unemployment insurance system, the Reemployment Assistance (RA) program, has been broken for years, and existing problems were only exacerbated during the COVID-19 pandemic.

[FPI supports](#) reforms including (but not limited to):

- Increasing the maximum weekly benefit rate, which is only \$275/week, and reforming the formula used to restrict the amount of assistance that a worker can receive;
- Increasing the minimum duration of benefits from 12 to 26 weeks;
- Increasing program reach and impact; and
- Fully funding the RA system.

SUPPORT: Increasing maximum monthly TANF benefit

The TANF program provides temporary cash assistance to families with very low income to help parents take care of their children during an upheaval in their lives. In Florida, almost 95 percent of all TANF recipients are children.

Florida's [maximum TANF benefit](#) for a three-person family is \$303 a month, which is only [about 17 percent of the poverty level](#) and 27 percent of fair market rent. Although one-third of states have increased TANF benefits in recent years, Florida has not provided any increase to cash assistance since 1992.

SUPPORT: Allowing interviews for SNAP benefits to be conducted via phone

Federal law gives the Florida Department of Children and Families (DCF) flexibility to substitute phone interviews for face-to-face interviews for all SNAP applicants.

FPI supports allowing for phone interviews across the board for households able and willing to be interviewed by phone.

SUPPORT: Ending direct file of juveniles into the adult court system

Florida's prosecutors transfer juveniles into adult court at a higher rate than any other state. There is momentum to end what is called "[direct file](#)," a statutory provision that allows prosecutors to decide whether a case will be tried in juvenile or adult court. The decision cannot be appealed or reviewed by a judge. In 2019, Florida lawmakers passed a moderate reform of the direct filing system; however, there is still work to be done.

FPI supports completely ending direct file so that judges have influence over whether a juvenile is tried in adult court.

SUPPORT: Granting all driving-age Floridians access to driver's licenses, regardless of immigration status

Fourteen states and D.C. already allow immigrants who are undocumented to obtain driver's licenses, which can help people commute to better jobs, make the roads safer, and modestly reduce insurance premiums. Not only would the fees from new driver's licenses generate millions in much-needed state revenue, but when working people have better-paying jobs, they spend more, further boosting Florida's economy.

SUPPORT: Implementing 'heat stress' protections for workers

People employed as [farmworkers and construction workers](#) are at particular risk for heat-related illness, despite being major drivers of the state economy. Heat stress is especially dangerous in Florida's hot, subtropical climate and can be deadly. Florida should follow the lead of states like California and enact legislation mandating that employers in outdoor industries provide paid cooldown breaks/recovery periods, shade, and water for workers to help [reduce incidents of heat stroke](#). Currently, there are no federal laws in place that mandate workers be granted these basic workplace protections.

SUPPORT: Protecting the Sadowski Affordable Housing Trust Fund from budget sweeps

Established in 1992, the Sadowski Housing Trust Fund provides critical funding for the production and preservation of affordable housing, as well as the construction and rehabilitation of multi-family rental housing. It is funded through the state documentary stamp tax on deeds.

Over the past two decades, however, [lawmakers have "swept" \\$2.2 billion in revenue slated for the Sadowski Housing Trust Fund into the General Revenue Fund for other purposes](#). Florida ranks 44th in the nation for its availability of affordable housing and as the cost of living increases, more working families are struggling to afford a decent place to live.

To address a pandemic-related budget shortfall totaling at least \$5.6 billion over the next several years, the Senate Committee on Appropriations, the House Appropriations Committee, the Legislative Office of

Economic and Demographic Research, and the Legislative Budget Commission anticipate making \$312.4 million in trust fund sweeps each year. However, the affordable housing crisis continues to worsen during the COVID-19 crisis. As such, FPI supports protecting the Sadowski Housing Trust Fund from annual funding sweeps.

An Equitable Tax Code

Cleaning Up and Modernizing the Tax Code for a Stronger Future

Key 2021 FPI Priority

SUPPORT: Internet Sales Tax

A U.S. Supreme Court ruling in 2018 allows states to actively collect sales tax for online sales in their state even if the seller has no physical location within the state.

FPI supports enacting legislation to collect internet sales tax, which would help level the playing field between brick-and-mortar businesses and online retailers and generate \$300 million to \$500 million each year in revenue.

Key 2021 FPI Priority

SUPPORT: Cleaning up Florida's tax code

Florida is spending \$21.5 billion in the current fiscal year on tax expenditures. This “silent spending” through the tax code reduces potential state revenue. As Florida policymakers prepare to address a pandemic-related budget shortfall totaling at least \$5.6 billion over the next several years, they will need to make smart revenue choices to build a brighter future for all Floridians.

FPI supports the measures outlined in its tax code cleanup plan, which would reduce tax code spending by \$4.5 billion. These dollars could then be invested in crucial public services.

SUPPORT: Repeal of Automatic Corporate Tax Refund and Rate Reduction

In 2018, the Florida Legislature passed a [bill](#) that created an automatic refund and income tax downward adjustment to corporations if the state collected more than expected because of the new federal tax law’s “base-widening.” The following year, [lawmakers extended the automatic tax rate and refund mechanism](#) for an additional two years to include rate cut and refund calculations based on collections in fiscal years 2019-2020 and 2020-2021. Any resulting tax rate reductions would sunset for taxable years beginning on or after January 1, 2022, and a final refund would be distributed by May 1, 2022.

Although the estimated fiscal impact was low when the bill first passed, the state has now projected that refunds for some of Florida’s biggest corporations [will cost Florida around \\$500 million in foregone revenue](#).

FPI supports legislation that would repeal these automatic tax refunds and income tax adjustments to the state’s largest corporations.

OPPOSE: Revenue-restricting bills

Legislation introduced in 2019 initially included language that would have made it difficult for local governments to raise revenue through referenda for schools, transportation and other initiatives in the wake of continued state underfunding. Although this provision was ultimately removed from the bill prior to passage, similar legislation may emerge in 2021.

FPI will oppose all measures that prevent state and local governments from raising much-needed revenue.

OPPOSE: New tax cuts in the FY 2021-22 Budget

For the FY 2020-2021 budget, the Florida House passed [a \\$193 million tax bill](#) that included a \$93 million tax reduction package, and authorized \$543 million in corporate tax refunds. Although this bill [was amended in the Senate to drop the \\$93 million tax cuts](#), this does not prevent lawmakers from proposing new tax cuts for FY 2021-2022. Florida already has an upside-down tax system, where the wealthy pay a smaller share of their income in state and local taxes than middle-income households and people struggling to get by on very low income.

FPI opposes any further tax cuts proposed in the FY 2021-2022 budget that would put investments in Florida's future at risk.