

2022 Legislative Agenda

Florida Policy Institute supports measures that 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 2022, 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 2022 FPI Priority

SUPPORT: [Expanding Medicaid to adults ages 19-64 with low income](#)

Florida is [one of only 12 states](#) that has not expanded its Medicaid program under the Affordable Care Act to adults ages 19-64 with income under 138 percent of the federal poverty level. Medicaid expansion would help [nearly 800,000](#) 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](#). In addition, under the American Rescue Plan Act of 2021, if Florida chose to expand Medicaid it could access another [\\$3.5 billion](#) in federal dollars over the next two years. 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 2022 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](#) 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 \$23 billion annual public investment in the Medicaid managed care program.

OPPOSE: Cutting and/or restricting access to Medicaid

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

- ▶ *Benefits and eligibility cuts.* Medicaid is a frequent target for cuts. In past years there have been proposals to cut benefits, such as adult hearing and vision services and to cut eligibility, and elimination of coverage for young adults.
- ▶ *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: Updating Medicaid coverage for comprehensive adult dental services

It has been nearly two decades since the Florida Legislature adopted changes to the current very restricted Medicaid adult dental benefit. The current benefit is limited to coverage of dentures and

emergency services. This falls far short of meeting beneficiaries' needs. A substantial body of research shows that oral health is essential to overall health. Poor oral health can worsen chronic conditions, such as diabetes and heart disease, lead to pregnancy complications, and contribute to increased emergency department visits. Medicaid already covers comprehensive dental benefits for children and youth. It is time to update Florida law to provide this coverage for adults as well.

FPI supports legislation that will provide Medicaid coverage for comprehensive dental benefits for adults.

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 out of all the states on access to mental health care. It specifically noted that 503,000 Florida adults with mental illness and 116,000 youth with major 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.

Florida 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: Raising KidCare Eligibility Levels

In the last few years, Florida's child uninsured rate has dramatically increased. From 2016-2019, [55,000 more children lost coverage](#), bringing the total number of uninsured children [to](#) 343,000. Florida now has the worst uninsured rate in the deep South and the second highest number in the country. When children are uninsured, they are [more likely to have unmet health needs](#) and lack a usual source of care, diminishing their chances to grow into healthy and productive adults. One way to provide families better access to KidCare benefits is to increase income eligibility for KidCare premium subsidies. Currently, families with income above 215 percent of the poverty level (\$47,214 for a household of 3) are ineligible. Most states have a higher income eligibility limit with a median level of 255 percent of the poverty level (\$55,998 for a three-person household).

FPI supports legislation raising family income eligibility limits for subsidized KidCare coverage.

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](#). 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, historically, less than half of eligible families in the state receive subsidies. Additionally, the COVID-19 crisis and labor shortage for child care teachers threatens the viability of Florida’s child care operations.

FPI supports boosting funding and expanding eligibility 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](#)

Undocumented students who are eligible for out-of-state tuition waivers remain ineligible for all state (and federal) need- and merit-based aid (e.g., Bright Futures and Jose Martí scholarships, Florida Fund for Minority Teachers). At least 14 other states (e.g., Texas, New Mexico) extend [state financial aid to select students](#), regardless of immigration status.

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

SUPPORT: In-state tuition for select undocumented graduate students

Florida’s Legislature was forward-thinking to pass [out-of-state tuition waivers](#) for select resident Floridians, regardless of immigration status, in 2014. However, the Board of Governors [prevents graduate students](#) from qualifying under this law.

As such, Florida's undocumented students are disincentivized to attend graduate school in Florida, as even in-state tuition is unaffordable for many, let alone out-of-state tuition. [Forty-four percent](#) of undocumented Florida households have income under the poverty level (less than \$32,000 per year for a three-person household), yet the average cost of in-state attendance for just two undergraduate semesters at Florida's public universities is [\\$23,000](#). It is even higher for in-state graduate students and up to four times higher with [out-of-state tuition](#). FPI supports amending the 2014 law so that graduate students, including undocumented students, are not excluded from out-of-state tuition waiver eligibility.

A Thriving & Resilient Economy

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

SUPPORT: Reinstating Florida's Department of Labor

The Legislature dismantled the Florida Department of Labor and Employment Security in 2002, which left Florida with only the Attorney General's Office to enforce wage and hour laws (e.g., minimum wage), and only through non-administrative means. Administrative enforcement is a means for investigating and remedying statutory violations for all aggrieved workers, but without the complexity, cost, and time of a lawsuit. The sole enforcement authority — the Florida Attorney General's Office — has failed to take a single enforcement action against any employer who failed to pay the minimum wage since 2011. This [wage theft](#) has hit Black, Latina, and immigrant Floridians especially hard.

Moreover, average violation rates spiked after Florida increased its minimum wage in 2005, which is likely to recur when the minimum wage again increases to \$10 this September. Reintroducing a State DOL equipped with the authority and resources is necessary to address wage theft.

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. [Florida Forever](#) officially began in 2000 from a voter amendment to build on its predecessor program's success (Preservation 2000). This authorized \$300 million in bonds for 10 years to support land acquisition, ultimately leading to 1 million acres being preserved. The Florida Forever program was passed to appropriate another \$300 million over 10 years; the Legislature appropriated it in full until 2008, when funding was then significantly reduced or eliminated.

In response, Florida voters approved a 2014 constitutional amendment designating new funding from the documentary stamp tax and expanding the duration of Florida Forever's bonds through 2040. So far, these efforts have allowed Florida Forever to manage 870,000 acres of conservation land. However, [the Florida Legislature continues to underfund Florida Forever, diverting funds](#) intended for the program to pay for other state operating expenses.

FPI supports full funding of this crucial conservation fund at \$300 million per year through at least 2040, as voters intended.

Shared Prosperity

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

Key 2022 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 2022 FPI Priority

SUPPORT: [Lift the ban against certain returning citizens from receiving SNAP and TANF](#)

People who are reentering their communities after being incarcerated face enormous barriers to fiscal stability. Yet despite an overwhelming need for basic support to assist with rehabilitation, Floridians who have been convicted of drug trafficking are prohibited by state law from ever participating in the Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance for Needy Families (TANF). This short-sighted lifetime ban impacts their ability to meet critical needs, such as food and housing, and increases their likelihood to re-offend and return to prison. FPI supports legislation to repeal this policy.

SUPPORT: [Modifying the state’s 85 percent rules for certain offenses](#)

Florida’s laws mandate that those convicted of crimes are incarcerated to serve 85 percent of their sentences, even for nonviolent offenses. This law has had various negative impacts on the state’s prison system. Although crime rates and prison admissions are down, Florida’s incarcerated population has been increasing. This is mostly due to the fact people are required to spend more time in prisons because of the limit on how much time off they can earn for good behavior. Consequently, the state ends up spending substantially more in incarceration even though crime rates have been steadily declining.

FPI supports lowering the 85 percent rule to 65 percent for certain offenses.

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 child care, 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 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 the 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 applications for SNAP benefits to be submitted via phone

Federal law gives the Florida Department of Children and Families flexibility to allow phone applications for all SNAP applicants. FPI supports allowing for phone applications across the board for families who want to apply by phone.

SUPPORT: Eliminating juvenile fines and fees

Fines and fees in the juvenile justice system trap children and their families in a cycle of debt. Youth who are justice-involved are more likely to re-offend and stay longer on probation. Furthermore, the assessed fees adversely impact the quality of life and future for youth, such as an inability to get a driver's license and participate in job corps programs.

FPI supports ending court costs and fees on youth and providing additional support to young adults who remain in the care of the child welfare system.

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

Florida's prosecutors transfer juveniles into adult courts 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: Expunging and sealing juvenile records

Currently, the state only allows expungement of juvenile non-arrest records such as the participation in diversion programs for misdemeanor offenses. In 2021, the Legislature passed a series of bills that would have expanded expungement for juveniles with a felony record. However, the governor vetoed the bills; thus denying 27,000 kids the opportunity at a second chance.

FPI supports completely expunging the non-arrest records of juveniles for both misdemeanor and felony offenses.

SUPPORT: [Removing proof of citizenship as requirement for obtaining driver's licenses](#)

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.

An Equitable Tax Code

Cleaning Up and Modernizing the Tax Code for a Stronger Future

Key 2022 FPI Priority

SUPPORT: Working Floridians Tax Rebate (State EITC)

The federal Earned Income Tax Credit is already one of the nation's most effective tools for reducing poverty and countering income inequality. In [2019](#), more than 2.1 million Floridians received \$2.9 billion through the federal EITC, with the average credit amount totaling \$2,492. The federal EITC is a common-sense tax break that helps people with low income make ends meet, which benefits their families, communities, and [local economies](#).

Thirty states, the District of Columbia, Puerto Rico, and localities such as New York City and Montgomery County, Maryland, have enacted their own versions of the EITC to further build on the success of the federal EITC.

Florida Policy Institute supports legislation, like the Working Floridians Tax Rebate (SB 234) filed by Senator Shevrin Jones, which would provide a state-level EITC set at 20 percent of the federal credit.

Key 2022 FPI Priority

OPPOSE: Automatic Corporate Tax Refund and Rate Reduction

Over the past couple of years, policymakers have reduced the Corporate Income Tax (CIT), costing the state billions. The last time policymakers voted to increase the CIT was in 1984. In contrast, policymakers passed a [bill](#) in 2018 that created an automatic downward adjustment to the CIT rate if net collections exceeded forecasted collections. The same bill instructed Florida's Department of Revenue (DOR) to refund excess collections. The bill had an immediate impact: CIT collections exceeded forecasts for tax year 2018-19, and so the CIT rate went down from 5.5 percent to 4.458 percent, and DOR had to issue \$543.2 million in corporate refunds before May 1, 2020.

In 2019, [policymakers extended the automatic rate adjustment and refund mechanisms](#) for an additional two years. There was no downward adjustment or refund triggered for tax year 2019-2020 due to decreased CIT collections amid COVID-19. However, for tax year 2020-2021, collections exceeded forecasts such that DOR is set to distribute \$624 million as corporate refunds before May 1, 2022. Although these mechanisms are set to expire January 1, 2022, they have already cost Floridians around \$2 billion thanks to the CIT rate reduction and refunds. Fortunately, policymakers did not pass any legislation to extend the automatic adjustment and refund during the 2021 session. Nevertheless, it remains to be seen if new adjustments will be introduced during the 2022 session.

FPI opposes legislation that would extend the CIT downward adjustment and refund mechanisms.

SUPPORT: Reforming internet sales tax earmarks

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.

In 2021, the governor signed into law [a bill](#) to modernize the collection of online sales taxes — a measure expected to generate about \$1 billion annually. Unfortunately, the legislation devotes the new revenue to replenishing the Unemployment Compensation Trust Fund and reducing the tax on commercial rentals from 5.5 percent to 2 percent. In effect, the bill cancels out any revenue gains from modernizing online sales tax collection. Instead of giving businesses a tax break, policymakers should change the bill to direct new revenue into the General Revenue Fund.

FPI supports legislation to stop earmarking online sales tax revenue (about \$1 billion) to offset tax breaks for businesses and instead using the funds to invest in public services.

SUPPORT: Combined reporting

Currently, corporations can avoid paying Florida’s Corporate Income Tax (CIT) by shifting profits off to other entities in tax havens such as Delaware, Ireland, or the Cayman Islands (e.g., via the [trademark income-shifting loophole](#)). Florida should follow the lead of 28 states and the District of Columbia and require these corporations to add together profits of all subsidiaries, regardless of their location, into one [combined report](#). This measure, known as combined reporting, [would generate over \\$477 million annually](#). In 2021, Rep. Fred Hawkins [introduced a bill](#) that would institute combined reporting; however, it stipulated that the revenue had to be used to reduce taxes on commercial rental property. The bill ultimately died in committee.

FPI supports legislation to enact combined reporting *without* conditions to offset other taxes.

SUPPORT: Elimination of unproductive tax expenditures

Florida is spending over \$16 billion in the current fiscal year on tax expenditures. This “silent spending” through the tax code is seldom reevaluated and reduces potential state revenue. Silent spending is not inherently good or bad. The issue is that unlike spending through the budget, which is subject to annual review, debate, and reauthorization, spending through the tax code is not routinely evaluated to ensure it is delivering on objectives that support the state’s families, communities, and economy. Once enacted, these expenditures tend to remain in law without an expiration date or regular review.

FPI supports the elimination of unproductive tax expenditures and simplifying the state tax code.

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 cuts in the FY 2022-23 tax bill

Every year, policymakers prepare a tax bill that includes numerous provisions designed to provide tax changes for both families and businesses. However, these changes typically involve tax reductions and credits, many of which hamper the state’s ability to invest in public services. Policymakers are required by law to keep a balanced state budget, which means that they must make up any forgone revenue either through spending cuts or future tax increases. The [2021-22 tax cut package](#) totaled \$196.3 million. That is \$196.3 million that the state cannot invest in other programs. Also, for tax year 2021-22, the bulk of forgone revenue (about \$135 million) was due to sales tax holidays, [which are costly and ineffective tools](#) to help Floridians. If policymakers are serious about making changes to the tax code, they must do so without sacrificing public investments.

FPI opposes future tax bills that lead to forgone revenue and, in effect, put investments in Florida’s future at risk