

2020 Legislative Agenda

Florida should be a state 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:

- ▶ Unleashing Floridians' potential and boosting productivity by investing in education and health
- ▶ Launching public infrastructure projects to create jobs, spur growth, promote equity and improve climate resilience
- ▶ Boosting household incomes
- ▶ Cleaning up and modernizing the tax code for a stronger future

These priorities are achievable through common-sense legislation. FPI's legislative agenda for 2020, 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.

Unleashing Floridians' potential and boosting productivity by investing in education and health

Key 2020 FPI Priority

SUPPORT: Increasing access to school-based health services (HB 81/SB 190)

More than 1 million of the 2.7 million students enrolled in public schools are covered under Medicaid. Although recent federal policy changes allow schools to receive matching federal dollars for school-based health services provided to any Medicaid-eligible child, these changes are not automatic, as pointed out in a [recent FPI report](#). Current state law — which limits the federal match to those services provided to children with disabilities who have an individualized education plan — must be updated.

FPI supports legislation that would update state law and allow schools to access more than \$50 million in additional federal dollars for school-based health services, including mental health screenings, diagnoses and treatment.

The bill passed both the House and Senate.

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 these students, which would help boost college completion rates and the skills and wages of the state workforce.

HB 693/SB 188 was not heard in any of the House or Senate committees.

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). This causes many students to be held back unnecessarily. FPI supports proposals that would offer exams to students in their native language.

HB 515/SB 678 was not heard in any House or Senate committee.

SUPPORT: Authorizing “dental therapists” (SB 152)

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 recent 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.

HB 979/SB 152 was not heard in any House or Senate committee.

SUPPORT: Requiring AHCA to report on child quality performance measures

Timely and accurate data is needed to improve health quality performance measures for children enrolled in Medicaid, including children of color who are disproportionately impacted by poor quality of care. Florida ranks below average on many health quality performance measures for children enrolled in Medicaid managed care plans, including dental services, primary care access and developmental screenings. Data on quality and health disparities are not publicly reported.

FPI supports requiring the Agency for Health Care Administration (AHCA) to report on the outcomes for children enrolled in Medicaid managed care plans, particularly disaggregated by race, ethnicity and disability status. This will ensure greater transparency of the more than \$16 billion public investment in these plans and their impact on children's health, and form a basis from which improvements can be made.

There was no bill introduced.

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 2019-2020 budget included a drastic cut to retroactive Medicaid eligibility. However, [a 2019 bill](#) was defeated that would have made this cut permanent. 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.

HB 5201/SB 52 legislation that would make the RME cut permanent, passed the House but died in the Senate Health and Human Services Appropriations Subcommittee. SB 2502, which extended the cut for one year, was ultimately included in the appropriations implementing bill, HB 5003, which passed both the House and Senate.

- ▶ 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. More than 60 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.

HB 1367/SB 1808 passed two House committees but died in Health and Human Services. There was no bill activity on the Senate side.

- ▶ 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](#).

No bills were introduced to block-grant Medicaid in the 2020 legislative session.

SUPPORT: Protecting Floridians with pre-existing conditions from future price shocks

In 2019 the Florida Legislature passed a bill that would allow health insurance companies to sell plans that do not cover pre-existing conditions if they also sell plans that do offer these protections. This would only go into effect if the federal Affordable Care Act was repealed. However, that same bill did not include limits on plan costs for consumers with pre-existing conditions, setting up the potential for plans that are completely out of reach financially for the 7.8 million Floridians with pre-existing conditions. FPI supports policy proposals in the 2020 session that will ensure Floridians with pre-existing conditions, regardless of the future of the ACA, are protected from future health plan price shocks.

HB 1293/SB 1724 was not heard in any committee.

Boosting Household Incomes for Shared Prosperity

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.

SB 194 passed the Senate Committee on Criminal Justice but died in Appropriations Subcommittee on Criminal and Civil Justice. There was no activity in the House.

Key 2020 FPI Priority

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 creates a barrier to work, which reduces likelihood of paying, and it increases the likelihood of recidivism.

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

HB 903/SB 1328, which was amended several times, would have allowed more time for payments and mandated access to affordable payment plans based on an individual’s income. The legislation died in Appropriations, its last committee assignment in the House; in the Senate, the bill passed through all of its committees and was referred to the floor.

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 2017, the EITC lifted about [5.7 million people](#) out of poverty, including about 3 million children. 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 2019 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.

HB 1021/SB 1592 was not heard in any committee.

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.

HB 1367 passed two committees in the House but died in Health and Human Services. There was no activity on the Senate side.

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.

HB 421/SB 618 passed out of one committee in the House but died in Justice Appropriations Subcommittee. The legislation also passed out of one committee in the Senate but died in Judiciary.

SUPPORT: Allowing access to driver’s licenses regardless of immigration status

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

HB 1451/SB 1856 was not heard in any committee.

OPPOSE: Requiring use of the federal E-Verify system to determine employment eligibility

E-Verify is a federal system used to screen workers for their eligibility to become employed, designed as a tool to reduce the number of undocumented workers in the workforce. Making its use mandatory in Florida [was](#) a major priority of Governor DeSantis. Precedent shows, however, that doing so violates federal immigration law and will harm Florida citizens, immigrants, and [businesses](#). Florida’s agricultural industry would face significant challenges, as farmers must fill jobs quickly in geographically isolated areas, making them reliant on a high density of foreign-born migrant workers.

Among the states that have mandated E-Verify, employers and employees alike are “[widely ignoring the mandate](#).” Moreover, due to errors in the government databases that support E-Verify, documented immigrants and green card holders are over 27 times and 4 times more likely, respectively, to be subject to an [E-Verify rejection error](#) than U.S. citizens. This could equate to [nearly 25 thousand Florida workers](#).

In the 2020 legislative session, both the House and Senate contentiously debated E-Verify legislation (CS/HB 1265, SB 1822, CS/CS/CS/SB 664). Ultimately, the two chambers compromised to include an alternative form

of verification in the bill — the federal I-9 form — so that businesses are not restricted to the E-Verify system. As such, despite opposition from businesses, faith leaders, FPI, and immigration advocates, SB 664 will become law July 1, 2020 (though it will have little real impact, given the I-9 provision).

Cleaning Up and Modernize the Tax Code for a Stronger Future

SUPPORT: Automatic sunsets and regular evaluation of tax expenditures

In FY 2020-21, Florida is projected to spend \$21 billion on tax expenditures in the form of subsidies and tax breaks. This “[silent spending](#)” through the tax code reduces potential state revenue. The cost of tax expenditures has increased each year, and since 2010 tax code spending in Florida has increased by more than \$7 billion.

While state tax expenditures are not inherently good or bad, these expenditures tend to remain in law without an expiration date or regular review. FPI supports legislation that would enact automatic sunsets and regular evaluation of tax expenditures, ensuring that the forgone revenue is serving a legitimate public purpose.

There was no bill introduced.

SUPPORT: Internet Sales Tax (HB 159/SB 126)

A U.S. Supreme Court ruling last year 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.

The bill was introduced in both the House and Senate. It passed two out of three Senate committees but was not heard in any House committees.

SUPPORT: Repeal of Automatic Corporate Tax Refund (HB 6021)

In 2018, the Florida Legislature passed a bill that created an automatic refund to corporations if the state collected more than expected because of the new federal tax law’s “base-widening.” Lawmakers extended the measure through January 2022 during the 2019 legislative session.

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 introduced in the Florida House that would repeal these automatic tax refunds to the state’s largest corporations.

The bill was introduced in both the House and Senate; however, it was never heard in any committees. There were several amendments introduced for the House tax cut package (HB 7097) that would have repealed the automatic refunds and redirected the revenue collected to other areas such as affordable housing or conservation, but none were adopted.

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 is likely to emerge in 2020.

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

HJR 477, which called for a constitutional amendment requiring a supermajority vote for any local revenue-raising referenda, was introduced in the House. It was not heard in any committees.

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.

FPI supports protecting the Sadowski Housing Trust Fund from annual funding sweeps.

The final budget provides full funding for the Sadowski Housing Trust Fund, but the bill to prevent funding sweeps (SB 306/HB 381) did not make it to the floor of either chamber. The Senate bill passed one out of three committees. The House bill was not heard in any committees.

OPPOSE: New tax cuts in the FY 2020-21 Budget

The FY 2019-2020 budget included a \$121.5 million [tax reduction package](#), including \$73 million in recurring tax cuts. 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 2020-2021 budget that would put investments in Florida's future at risk.

In the final days of the legislative session, the proposed tax cut package was significantly scaled back in response to the COVID-19 crisis. The tax cut package that passed totaled \$47 million and had eliminated the largest corporate tax breaks, while preserving the back-to-school and disaster preparedness sales tax holidays.

OTHER: Constitutional Amendments

SB 1794/HB 7037 passed both houses. It would: increase the threshold of voter signatures required for a Supreme Court review of ballot measures from 10 percent to 25 percent; require signatures to be collected from at least half of the state's congressional districts, which is up from 25 percent of districts currently; and allow collected signatures to only be valid for one year, compared to two years.