

# 2018 Legislative Summary

## STATEMENT ON THE 2018 LEGISLATIVE SESSION FROM JMI'S PRESIDENT AND CEO

“The 2018 Florida Legislative Session was an important session for Florida’s future. The policy team at The James Madison Institute worked overtime in Tallahassee and beyond to inform state policymakers on efforts to advance limited government, free markets, and economic freedom. The Florida Legislature made strides in protecting free speech by eliminating “free speech zones” on public university campuses and expanding school choice through the Hope Scholarship; encouraging healthcare innovation by passing Direct Primary Care; reforming the criminal justice system through enacting a gold-standard data system and expanding pre-arrest diversion programs; protecting property rights, and passed additional principled reforms which will touch the lives of countless Floridians. We thank Governor Scott, Senate President Negron and House Speaker Corcoran for their continued leadership and commitment to the Sunshine State’s future.”

– **Dr. J Robert McClure III**





## Update from the J. Stanley Marshall Center for Educational

The 2018 Legislative Session proved that House Speaker Richard Corcoran wasn't kidding when he set out to make education choice a major part of his lawmaking legacy.

A year after championing the groundbreaking "Schools of Hope" initiative, Speaker Corcoran and his legislative allies passed two significant education choice programs that Gov. Rick Scott signed into law. These initiatives topped an impressive list of newly-adopted education reforms, which included:



**William Mattox**  
DIRECTOR

- **The Hope Scholarship (aka The Student Safety Scholarship).** This measure gives student victims of bullying, sexual harassment, or violent assault the option of transferring to a different school – public or private – with funding that “follows the student” rather than dictating where it must be spent. Nearly 50,000 Florida students are expected to qualify for this scholarship.
- **Reading Improvement Scholarship.** This new program, which House Education Committee Chairman Michael Bileca said was inspired by JMI, gives elementary school students who do not yet read well the opportunity to acquire supplemental reading assistance such as tutoring. Importantly, parents will enjoy wide latitude in choosing learning aids to purchase for their child, as this new program is patterned after the highly-flexible (and very popular) Gardiner Scholarship for special-needs children.
- **Computer Science and Financial Literacy.** These measures give Florida high school students wider access to courses where they can acquire computer coding skills (which are increasingly needed in the marketplace) and to semester-long courses in financial literacy (to help them learn how to manage their personal resources).

- **Dual Enrollment and Summer Course Options.** These measures give all Florida high school students (not just those attending public schools) free access to dual enrollment courses taught at state colleges – and allow qualifying students to use their Bright Futures Scholarship to pay for summer courses. Greater student flexibility and improved space efficiency should result, since many classrooms currently sit idle during the summer months.
- **Campus Free Speech and Intellectual Diversity.** These measures ban so-called “free speech zones” (often no bigger than a postage stamp) on state-funded college campuses – and commission a study designed to measure the viewpoint diversity of college faculty at Florida institutions of higher learning.
- **Bethune Statue.** This measure provides for the creation of a Mary McLeod Bethune statue to represent the state of Florida in the U.S. Capitol's Statuary Hall. In 1904, Dr. Bethune founded the Daytona School for Negro Girls, which grew into what is now Bethune-Cookman University; and she inspired many Florida educators, including JMI's founder, Stan Marshall, who served on B-CU's Board of Trustees, for many years.

Going forward, JMI hopes to see Florida lawmakers build on these reforms, especially the scholarship programs offering wider options to students. In addition, strengthening civics education will be a major priority for JMI in the year ahead, given the growing need for Americans to have a thorough understanding of our nation's founding principles.



## Update from the Center for Economic Prosperity

The 2018 Legislative Session in many ways resembled a massive, tall, looping roller coaster we all had to endure as it whipped and rolled for just a hair longer than 60 days. It was that dynamic. The session began with a very bold, ambitious, and principled set of priorities to advance limited government and economic prosperity for all Floridians. We participated in several highly-visible press conferences, specifically on



**Sal Nuzzo**  
DIRECTOR

JMI's criminal justice reform coalition. We released a series of policy priorities that reflected our vision for the future of the Sunshine State while being grounded in the practical realities of policymaking. We worked throughout the off-season educating lawmakers on various elements of JMI's policy agenda. And then, right around the mid-point of session, the tragedy at Marjory Stoneman Douglas High School tossed what can only be described as a 10,000-pound wrench in the gears of the legislative process. While JMI does not engage in Second Amendment policy, the impact of the legislature deciding to address the tragedy with a major reform package brought some substantial challenges to the rest of policymaking, including the budget, in the final two weeks of the annual session.

Nevertheless, substantial progress was made on several specific issues of importance to Floridians. Major policy successes occurred in the areas of healthcare reform, criminal justice policy, and labor reform, just to name a few. In addition, in areas where we didn't see actual policy enacted, big strides were seen in the legislative process. This will bode well for 2019 and a new House Speaker and Senate President. A few of JMI's notable policy wins include:

- **Direct Primary Care.** After four long years trying, the chambers agreed on legislation that enables direct primary care networks (contracts between doctors and patients) to operate without fear of insurance regulations negating them.
- **Teacher Union Recertification.** While Florida is a right-to-work state, the negative impact of the teachers' union monopoly is still felt. Unencumbered by any competitive forces, teachers unions have thrived by cronyism and authoritarian fiat. With the passage of this year's education reform package, any collective bargaining unit that fails to have more than 50 percent of its potential membership as dues-paying members will be required to hold a recertification election. Expect this reform to have a positive impact on teacher unions as a level of competitive force is finally brought to bear.
- **Criminal Justice Reform.** The path for criminal justice reform became much more visible in 2018, with the passage of a gold-standard data collection package championed by leaders in both the Florida House and Senate. The tool, which will standardize data metrics across all 67 counties and every single judicial circuit, will make Florida a national leader in data-driven reform. In addition, Florida's standout juvenile civil citation program was expanded to adults, providing a one-time opportunity for those committing minor offenses to participate in a diversionary program that has proven to reduce recidivism.

- **Tax Policy.** In November, Floridians will have the opportunity to vote on a constitutional provision that would require a 2/3 majority for any future tax increases. This common-sense initiative would protect the citizens of the Sunshine State from the never-ending push to grow government at the expense of liberty and freedom. By requiring new tax increases to be approved by a supermajority, a valuable check on the power of future legislatures will ensure that Florida's government retains its position as one of the most efficient in the United States.



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## Update from the Center for Property Rights

While the 2018 Legislative Session was not as strong with regards to private property rights as prior sessions have been, several policy issues were addressed, and some efforts began their paths to reform (which often take several years to reach fruition). As in prior years, the policy team provided overviews of several issues relevant to Floridians; engaged numerous legislative committees with meetings, workshops, and testimony; and assisted in the shepherding of several policy efforts as the session twisted and turned. While several specific efforts didn't make "the finish line" and to the Governor's desk, there were victories to highlight, including:



**Daniel Peterson**  
**DIRECTOR**

- **Private Property Owners and Customary Use.** This issue was one of JMI's top priorities. The Doctrine of Customary Use permits the public to temporarily use private property when such use can be proven as a historical and owner-allowed occurrence. The bill, which was passed, places conflicts over customary use in their proper place – a court of law (where due process can be objectively employed) rather than in a city council or county commission. It also defines the procedure with which a government entity must comply when it seeks to allow the public to use private property. Although strongly opposed by government lobbyist groups, a real win for property owners was secured.

- **Property Rights and Comprehensive Plans.** In land-use decisions, the comprehensive plans of local governments are mandated to consider nine issues such as the environment, infrastructure, water, etc. Missing from the list is a requirement to consider private property rights. In the 2018 Session, this issue was initiated and a bill was filed to add a tenth mandate or element to consider private property rights. A contentious issue, it will require additional effort in future sessions to see full adoption.
- **Property Owners and Land Stewardship.** A bill was offered that would allow property owners to trim or cut their trees on their own property without government permission. The bill was strongly opposed by environmental and government lobbying groups. The Florida House of Representatives passed the policy through its chamber, and JMI will continue to advance this issue with the Florida Senate in future legislative sessions.
- **Home Sharing.** Over the past several years, JMI has been at the forefront of debate on the innovation economy. In 2018, this debate entered the realm of property rights with the initiation of debate on short-term rental policies. Local governments would like the ability to restrict private property owners from renting rooms in their own homes for short durations. This policy is not only a violation of private property rights, it is also a short-sighted attack on the sharing economy – one destined to ultimately fail. JMI participated aggressively in attempts to educate policy makers on the need to reach a statewide solution that protects private property owners. While the process will continue into 2019, this will be a major issue for JMI in the years to come.
- Adding the new Classical Learning Test (CLT) to the range of college entrance exam options for FL students interested in qualifying for Bright Futures Scholarships, and for FL teachers interested in claiming Best and Brightest merit pay bonuses.
- Strengthening civics education by requiring FL students to pass the U.S. Citizenship Test (given to immigrants seeking naturalization) prior to high school graduation.
- Adopting term limits for school board members throughout the state so that local districts can regularly benefit from the influx of new leaders with fresh ideas.

## CENTER FOR ECONOMIC PROSPERITY

- Promoting the removal of archaic, unnecessary, and anti-competitive occupational licenses.
- Protecting innovation in the gig economy through the removal of unnecessary regulatory burdens and government involvement in the free market.
- Advancing necessary criminal justice reforms that will both improve public safety and properly steward tax dollars. These reforms include restoring judicial discretion in sentencing as well as how children are sent into the adult system, examining the thresholds for offenses such as petit theft and promoting the ability of ex-felons to become productive tax-paying citizens.
- Working to advance additional market-oriented health care policies that will expand the supply of practitioners and access to quality health care (telemedicine, scope of practice expansion, repealing certificate of need laws).

## CENTER FOR PROPERTY RIGHTS

- Continuing to seek the inclusion of a property rights element in local comprehensive plans.
- Monitoring and encouraging the proper maintenance of government-owned lands.
- Continuing to monitor Everglades restoration efforts while protecting private property rights.
- Promoting the protection of the environment from waste water pollution due to failing infrastructure and unreliable electricity-dependent septic systems.
- Continuing to promote water storage and purification strategies and plans to prevent damaging algae blooms.

## Future Policy Priorities

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

We are already making progress toward the 2019 Legislative Session, which begins officially on March 5, 2019. Efforts JMI will continue to advance include:

## CENTER FOR EDUCATIONAL OPTIONS

- Expanding existing scholarship programs (Gardiner, Tax Credit Scholarship, Student Safety, Reading, etc.) with the goal of one day providing universal education choice to all Florida K-12 students.