



FLORIDA CONFERENCE OF CATHOLIC BISHOPS *Candidate Questionnaire Project*

2018 FLORIDA LEGISLATIVE/GUBERNATORIAL QUESTIONS BACKGROUND

Do you support or oppose...

ABORTION REGULATION: Requiring parental consent before a minor child's abortion, notwithstanding previous judicial concerns?

*A Florida law requiring parental consent for abortion was challenged and overturned in the Florida Supreme Court ruling *In re: TW* in 1989. It cited Florida's constitutional privacy clause (Article I, Section 23) in its rationale.*

A law was subsequently enacted to require parental notice of abortion, which was also stricken by the Florida Supreme Court on the same basis. In 2004, the legislature proposed a constitutional amendment to explicitly permit parental notice of a minor's abortion, which was adopted by voters. Florida's Parental Notice of Abortion law (Ch. 390.01114) was then added to the Florida Statutes.

Legislation could again be enacted to require parental consent for a minor's abortion with modifications to withstand judicial scrutiny and to align abortion more closely with other consent policies for children.

ACCESS TO HEALTH CARE: Increasing access to care for uninsured Floridians, especially the working poor?

In 2016, 12.5% of Florida's population was uninsured. There is a range of approaches that could improve access to health care for Floridians, including:

- *Expansion of Medicaid coverage to individuals with incomes up to 138% of the federal poverty level (the federal government would pay 100% of the costs of expansion in the early years, tapering to 90% in the later years);*
- *Other more incremental, market-based approaches have been approved by the legislature, but have not been fully implemented.*

AFFORDABLE HOUSING: Using all state housing trust funds as intended to address affordable housing needs in Florida?

The Sadwoski Act was passed in 1992 and allocates funds from documentary stamps on real estate transactions to provide funding for construction and rehabilitation of affordable housing, down payment assistance, and limited rental development to assist the disabled, elderly, veterans, and others in need of housing assistance.

In 2018, of \$321.6 million available through the Sadowski Trust Fund, \$123.6 million was appropriated for its original purpose while the remainder (\$198 million) was swept to general revenue for other projects. In many parts of Florida, the lack of affordable housing has impeded economic growth and responses to those displaced by hurricanes.

DEATH PENALTY REPEAL: Ending Florida's use of the death penalty while preserving the alternative of a life sentence without parole?

In Florida law, persons guilty of capital murder may only receive sentences of death or life without parole.

Of the 31 states that maintain the death penalty, Florida is one of only four states that have carried out executions this year (and one of 8 states in 2017). It is notable that Florida has the highest number of death row exonerations and maintains the second most populous death row in the U.S. of nearly 400 people.

Until 2016, Florida was one of three states that permitted trial judges to impose the death penalty based upon a jury's non-unanimous recommendation for death. In Hurst v. State, the Florida Supreme Court ruled that the practice violated the state's constitution, and the Florida legislature, in March 2017, adopted a new sentencing law requiring a unanimous jury recommendation for death before the judge could impose a death sentence.

END-OF-LIFE PROTECTION: Preserving Florida law that bans physician-assisted suicide?

Krischer v. McIver was a case brought to the Florida Supreme Court in 1997 by the Florida chapter of the Hemlock Society in an attempt to overturn the state's anti-assisted suicide law. This court upheld the constitutionality of Florida's law against assisted suicide (Ch. 782.08), which reads:

Every person deliberately assisting another in the commission of self-murder shall be guilty of manslaughter, a felony of the second degree.

Also, euthanasia and mercy killing, or any affirmative or deliberate act or omission to end life other than to permit the natural process of dying, are prohibited by Florida law (Ch. 765.309 F.S.).

FREEDOM TO SERVE: Allowing individuals and organizations the freedom to serve the public in accord with reasoned conscientious beliefs related to sexuality and marriage?

Both Florida and the federal government have been able to establish policies that respect the rights of all stakeholders holding divergent views that involve fundamental rights. These are recognized as moral or religious conscience protections. The most recognized examples relate to abortion. Similar protections exist today in Florida law with respect to family planning, end-of-life decisions and participation in executions.

Legislation is anticipated in areas where there are divergent views over marriage, gender dysphoria (transgenderism, gender identity) and same-sex attraction (sexual orientation) that could apply to both individuals and organizations (including businesses and agencies placing children for adoption and foster care).

IMMIGRATION: Urging Congress to undertake extensive immigration reform, rather than adopting piecemeal state policies?

Immigration policy has been the domain of the federal government, seeking to establish a unified national policy in this regard. Federal courts have not been receptive to state level immigration policies that would establish a patchwork of divergent policies. Clearly, immigration policy is the source of much debate and reflection. To that end, state legislatures are able to adopt resolutions to urge congressional action on issues such as immigration.

A number of proposals for federal immigration reform have been debated. Some key proposed reforms have included:

Earned citizenship: an earned citizenship program would allow foreign nationals who are living in the U.S. and do not have a criminal record the opportunity to adjust their immigration status. Such a

program would create an eventual path to citizenship, requiring applicants to complete and pass background checks, pay a fine, and establish eligibility for resident status to participate in the program. Such a program should not be characterized as “amnesty”.

Visa expansion: the expansion of family reunification visas will reduce current backlogs in family categories of persons who have been waiting for numerous years to enter the U.S. and reunite with their families with proper documentation. A temporary worker program allows safe, legal entry and job portability for migrant workers while meeting the nation’s economic demand for immigrant labor.

Secure borders and humane enforcement: targeted, proportional, and humane efforts to intercept unauthorized migrants who attempt to enter the U.S.

JUVENILE JUSTICE: Establishing that children under 14 shall not be transferred to the adult criminal justice system?

State prosecutors in Florida have the discretion to file a minor’s case in adult criminal court. Several avenues exist for that purpose. The process of transferring a juvenile’s case through “direct file” requires the minor be at least 14 years old, but there is currently no age minimum for children transferred to the adult justice system through the indictment process.

PARENTAL EMPOWERMENT: Creating education savings accounts to use for nonpublic school tuition?

Florida currently has several school choice programs including:

- *Voluntary Prekindergarten (VPK) Education Program for children who turn four by September 1 of a given year;*
- *Florida Tax Credit Scholarship Program for students from low-income families;*
- *McKay Scholarship Program for students with disabilities;*
- *Gardiner Scholarship Program for students with other profound special needs; and*
- *Hope Scholarship Program for students who report incidents of bullying, harassment or other qualifying events in public schools.*

Programs such as a broad educational savings account (ESA) program would follow the principle “the money follows the child.” More taxpaying parents would be able to select the education setting deemed suitable for their children regardless of factors such as income levels or whether their children have special needs.

SAFETY OF SCHOOLCHILDREN: Expanding existing legislative initiatives to harden the physical security of nonpublic schools?

While there have always been security risks, since the Parkland shooting in February 2018, there have been numerous threats made and investigated at public and nonpublic schools alike.

Significant steps were undertaken by the 2018 to improve security in public schools. These include:

- *the “Fortify FL” suspicious-activity-reporting app for mobile devices*
- *“active shooter” training for teachers and other school staff members.*
- *The Legislature also increased the annual “safe schools” funding it provides to public schools by \$97.5 million. In 2017, public schools received \$64.5 million under this line item but that amount grew to \$162 million total in 2018.*

It remains unclear whether training programs and resources approved by the Florida Legislature for public schools are available to nonpublic schools on an opt-in basis.

Opportunities exist to expand these resources to non-public schools as well. It would also be possible to expand state funding provided in recent years to harden the physical security of Jewish day schools (\$2.6M) more broadly.