



Children, Families & Seniors Subcommittee

**Thursday, February 23, 2017
9:30 AM – 12:00 PM
12 HOB**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Children, Families & Seniors Subcommittee

Start Date and Time: Thursday, February 23, 2017 09:30 am
End Date and Time: Thursday, February 23, 2017 12:00 pm
Location: 12 HOB
Duration: 2.50 hrs

Consideration of the following bill(s):

HB 581 Family Self-Sufficiency by White
HB 593 Restrictions on Use of Public Assistance Benefits by Massullo, Fine

Consideration of the following proposed committee bill(s):

PCB CFS 17-01 -- Child Welfare Block Grant

Briefing on the investigation of the death of Nakia Venant by the Department of Children and Families

Briefing on the federal Child and Family Services Review of Florida's child welfare system by the Department of Children and Families

Panel discussion on issues in child welfare:

--Mimi Graham, Ed.D., Director, FSU Center for Prevention and Early Intervention Policy
--Tia Sanford, Case Manager Supervisor, Children's Home Society
--Denise Dennis, Guardian ad Litem
--Natalie Clayton, Managing Attorney, Second Judicial Circuit, Children's Legal Services, Department of Children and Families

Pursuant to rule 7.11, the deadline for amendments to bills on the agenda by non-appointed members shall be 6:00 p.m., Wednesday, February 22, 2017.

By request of the Chair, all committee members are asked to have amendments to bills on the agenda submitted to staff by 6:00 p.m., Wednesday, February 22, 2017.

NOTICE FINALIZED on 02/16/2017 4:06PM by Ellerkamp.Donna

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 581 Family Self-Sufficiency

SPONSOR(S): White

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Children, Families & Seniors Subcommittee		Langston	Brazzell
2) Appropriations Committee			
3) Health & Human Services Committee			

SUMMARY ANALYSIS

The Supplemental Nutrition Assistance Program (SNAP) offers nutrition assistance to eligible, low-income individuals and families in the form of funds to purchase eligible food. The Food and Nutrition Service (FNS), under the U.S. Department of Agriculture (USDA), administers SNAP, and the Florida Department of Children and Families (DCF) distributes the benefits. Federal law offers two eligibility pathways for SNAP:

- Having a gross income below 130% of the Federal Poverty Level (FPL) (or 165% FPL if at least one person is age 60 or older or is disabled) and less than \$2,250 of counted liquid assets (or \$3,250 if at least one person is age 60 or older or is disabled); or
- Being "categorically," or automatically, eligible based on receiving benefits from other specified low-income assistance programs.

During the recent recession, Florida became one of forty states implementing broad-based categorical eligibility (BBCE) to expand eligibility for SNAP, setting eligibility for most households at 200% FPL or less. Florida also waived asset limits for SNAP in most cases. As of November 30, 2016, 3,331,377 total individuals were enrolled in SNAP in Florida. Certain adult SNAP recipients must meet work requirements as a condition of benefit receipt.

Florida's Temporary Cash Assistance (TCA) Program, part of the Temporary Assistance to Needy Families program, provides cash assistance to needy families with children. To be eligible for full-family TCA, recipients must participate in work activities unless they qualify for an exemption.

DCF refers SNAP and TCA recipients who are not exempt from work requirements to the Department of Economic Opportunity (DEO) to satisfy work requirements through CareerSource regional workforce boards (RWBs). RWBs assign participants to work activities and monitor their compliance with TCA and SNAP work requirements. However, only a small percentage of TCA recipients exit the program because they attain employment and self-sufficiency, in part due to barriers that make it difficult for them to obtain and keep jobs.

HB 581 eliminates BBCE for SNAP and aligns Florida's eligibility requirements with the federal minimum eligibility requirements. The bill reinstates asset limits and requires DCF to contract with a vendor to verify liquid assets. At least 229,311 (6.8%) of SNAP recipients will no longer be eligible based on the income and asset limit changes.

The bill also creates a program to be piloted at three or more RWBs to increase employment and earned income among those TCA recipients with significant barriers to employment while reducing their reliance on public assistance. Additionally, the bill increases reporting by CareerSource on employment outcomes and economic self-sufficiency of TCA and SNAP recipients.

The bill has a significant negative nonrecurring fiscal impact to DCF. DCF estimates a cost range of \$256,464 to \$325,260 to implement the changes made by the bill to the SNAP program and a cost range of \$7,553,489 to \$23,638,824, annually, associated with contracting with a vendor to verify SNAP applicants' and recipients' assets. The bill appropriates \$300,000 in nonrecurring funds and \$3,342,525 in recurring funds from the Federal Grants Trust Fund to DCF to implement and contract for asset verification. The bill also appropriates \$500,000 in nonrecurring TANF funds to DEO to distribute to CareerSource for the workforce pilot program.

The bill provides an effective date of July 1, 2017.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0581.CFS

DATE: 2/21/2017

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Supplemental Nutrition Assistance Program (SNAP)

Program Overview

The Food and Nutrition Service (FNS), under the U.S. Department of Agriculture (USDA), administers the Supplemental Nutrition Assistance Program (SNAP).¹ SNAP offers nutrition assistance to millions² of eligible, low-income individuals and families, in the form of funds to purchase “eligible food,”³ and provides economic benefits to communities by reducing poverty and food insecurity.⁴

The federal government funds 100% of the benefit amount.⁵ However, FNS and states share the administrative costs of the program.⁶ Federal laws, regulations, and waivers provide states with various policy options to better target benefits to those most in need, streamline program administration and field operations, and coordinate SNAP activities with those of other programs.⁷

The amount of benefits, or allotment, a household will qualify for depends on the number of individuals in the household and the household's net income.

¹ The Food Stamp Program (FSP) originated in 1939 as a pilot program for certain individuals to buy stamps equal to their normal food expenditures: for every \$1 of orange stamps purchased, people received 50 cents worth of blue stamps, which could be used to buy surplus food. The FSP expanded nationwide in 1974. Under the federal welfare reform legislation of 1996, Congress enacted major changes to the FSP, including limiting eligibility for certain adults who did not meet work requirements. The Food and Nutrition Act of 2008 renamed the FSP the Supplemental Nutrition Assistance Program (SNAP) and implemented priorities to strengthen program integrity; simplify program administration; maintain states' flexibility in how they administer their programs; and improve access to SNAP. *A Short History of SNAP*, UNITED STATES DEPARTMENT OF AGRICULTURE, FOOD AND NUTRITION SERVICE, available at http://www.fns.usda.gov/sites/default/files/History_of_SNAP.pdf (last visited February 18, 2017); and *State Options Report: Supplemental Nutrition Assistance Program*, UNITED STATES DEPARTMENT OF AGRICULTURE FOOD AND NUTRITION SERVICE, (11th ed.), Sept. 2013, available at http://www.fns.usda.gov/sites/default/files/snap/11-State_Options.pdf (last visited February 1, 2017).

² In an average month in Federal Fiscal Year (FFY) 2015, nationally, SNAP provided benefits to 45.2 million people living in 22.3 million households. *Characteristics of Supplemental Nutrition Assistance Program Households: Fiscal Year 2015*, Report No. SNAP-16-CHAR, SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, NUTRITION ASSISTANCE PROGRAM REPORT SERIES, OFFICE OF POLICY SUPPORT, available at, <https://www.fns.usda.gov/sites/default/files/ops/Characteristics2015.pdf> (last visited February 18, 2017).

³ The Food and Nutrition Act of 2008 defines eligible food as any food or food product intended for human consumption except alcoholic beverages, tobacco, hot foods and hot food products prepared for immediate consumption, with some exceptions. 7 USC § 2012(k); see also 7 CFR § 271.2. For an explanation of the inclusion of “junk food” and luxury items as eligible foods, see UNITED STATES DEPARTMENT OF AGRICULTURE FOOD AND NUTRITION SERVICE, *Supplemental Nutrition Assistance Program (SNAP) Eligible Food Items*, <https://www.fns.usda.gov/snap/eligible-food-items> (last visited February 18, 2017).

⁴ For a detailed overview of SNAP, see Randy Alison Aussenberg, *Supplemental Nutrition Assistance Program (SNAP): A Primer on Eligibility and Benefits*, CONGRESSIONAL RESEARCH SERVICE, Dec. 29, 2014, available at <https://www.fas.org/sqp/crs/misc/R42505.pdf> (last visited February 18, 2017).

⁵ For FFY 2016, the maximum benefit amount was \$649 for a family of four, with an average benefit amount of \$471. *Policy Basics: Introduction to the Supplemental Nutrition Assistance Program (SNAP)*, CENTER FOR BUDGET AND POLICY PRIORITIES, updated March 24, 2016, available at <http://www.cbpp.org/sites/default/files/atoms/files/policybasics-foodstamps.pdf> (last visited February 18, 2017).

⁶ In FFY 2015, FNS issued \$5,688,711,691 of benefits to Florida recipients; the state share of administrative costs for Florida was \$86,726,922 and the federal share of administrative costs for Florida was \$80,997,415. *Supplemental Nutrition Assistance Program, State Activity Report: Fiscal Year 2015*, FOOD AND NUTRITION SERVICE, SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM: PROGRAM ACCOUNTABILITY AND ADMINISTRATION DIVISION, August 2016, available at, <http://www.fns.usda.gov/sites/default/files/snap/2015-State-Activity-Report.pdf> (last visited February 18, 2017).

⁷ *State Options Report: Supplemental Nutrition Assistance Program*, UNITED STATES DEPARTMENT OF AGRICULTURE FOOD AND NUTRITION SERVICE, (11th ed.), Sept. 2013, available at http://www.fns.usda.gov/sites/default/files/snap/11-State_Options.pdf (last visited February 18, 2017).

Maximum Monthly Allotment for Federal Fiscal Year (FFY) 2017⁸

Household Size	Maximum Allotment
1	\$194
2	\$357
3	\$511
4	\$649
5	\$771
6	\$925
7	\$1,022
8	\$1,169

To calculate a household's allotment, 30% of its net income is subtracted from the maximum allotment for that household size.⁹ This is because SNAP households are expected to spend about 30% of their own resources on food.¹⁰ For example, a household of three with a net monthly income of \$1,500 must subtract \$450 from the maximum allotment for their household, which is \$511 per month; the household would receive a food stamp allotment of \$61 for the month.

SNAP Eligibility

Federal law establishes two ways for a household to be eligible for SNAP:

- Having a gross income¹¹ below 130% of the Federal Poverty Level (FPL) (or 165% FPL if at least one person is age 60 or older, or is disabled),¹² a net income¹³ of 100% FPL, and less than \$2,250 of counted liquid and nonliquid assets¹⁴ (or \$3,250 if at least one person is age 60 or older or is disabled);¹⁵ or
- Being "categorically," or automatically, eligible based on receiving benefits from other specified low-income assistance programs.¹⁶

Categorical eligibility allows households which already met financial eligibility rules in specified means-tested programs¹⁷ to be eligible for SNAP without going through another financial eligibility

⁸ UNITED STATES DEPARTMENT OF AGRICULTURE FOOD AND NUTRITION SERVICE, *Supplemental Nutrition Assistance Program (SNAP) How Much Could I Receive*, <https://www.fns.usda.gov/snap/how-much-could-i-receive> (last visited February 19, 2017).

⁹ *Id.*

¹⁰ *Id.*

¹¹ Income is defined as all earned income, including all wages and salaries, and unearned income, including public assistance payments such as SSI and TCA. 7 CFR § 273.9(b). For details on what income is excluded, see 7 CFR § 273.9(c).

¹² 7 CFR § 273.9(a)(1)-(2); 7 USC § 2014(c).

¹³ To calculate net income the following deductions are applied to a household's gross income: a 20% deduction from earned income; a standard deduction of \$157 for households of three or fewer and \$168 for households of four or more; a dependent care deduction; medical expenses for elderly or disabled members that exceed \$35 for the month, if they are not paid by insurance or someone else; legally owed child support payments; and a deduction up to \$517 of shelter costs that are more than half of the household's income after the other deductions.

¹⁴ Counted liquid assets include cash on hand, checking and savings accounts, savings certificates, stocks and bonds, and nonrecurring lump sum payments. 7 CFR § 273.8(c).

¹⁵ 7 CFR § 273.8(b) sets the maximum allowable resources at \$2,000 and \$3,000, respectively; however, these limits were raised to \$2,250 and \$3,250 pursuant to annual cost-of-living adjustments in October 2014, and remain at that level today. See, letter from Lizbeth Silberman, Director, Program Development Division, Food and Nutrition Service, United States Department of Agriculture, to all Regional Directors of the Supplemental Nutrition Assistance Program, RE: SNAP - Fiscal Year 2017 Cost-of-Living Adjustments, Aug. 10, 2016, available at, <https://www.fns.usda.gov/sites/default/files/snap/SNAP-Fiscal-Year-2017-Cost-of-Living-Adjustments.pdf> (last visited February 18, 2017).

¹⁶ 7 CFR § 273.2(j).

determination. Federal regulations *require* that states make categorically eligible those households in which all members are either eligible for or receive *cash* benefits, known as temporary cash assistance (TCA), from the Temporary Assistance for Needy Families (TANF) program, Social Security Income (SSI), or another general assistance program.¹⁸ Additionally, federal regulations give states the *option* to make categorically eligible those households in which members are eligible for *noncash or in-kind* benefits or services from a program with an income limit of no more than 200% of the federal poverty level (FPL).¹⁹

FFY 2017 Monthly Income Eligibility Standards²⁰

Household Size	100% FPL	130% FPL	165% FPL	200% FPL
1	\$990	\$1,287	\$1,637	\$1,980
2	\$1,335	\$1,736	\$2,203	\$2,670
3	\$1,680	\$2,184	\$2,772	\$3,360
4	\$2,025	\$2,633	\$3,342	\$4,050

The USDA has developed a typology of state practices on categorical eligibility, categorizing states into three groups:

1. **Traditional categorical eligibility (mandatory):** Households where all members receive need-tested cash aid are automatically eligible for SNAP.
2. **Narrow categorical eligibility (optional):** Expanded beyond traditional categorical eligibility to those who receive certain TANF noncash benefits (e.g. child care).
3. **Broad-based categorical eligibility (BBCE) (optional):** Expands categorical eligibility to most, if not all, households with low incomes in a state. States may set their own income thresholds, not to exceed 200% FPL.²¹

¹⁷ Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), or state-financed general assistance (GA) programs.

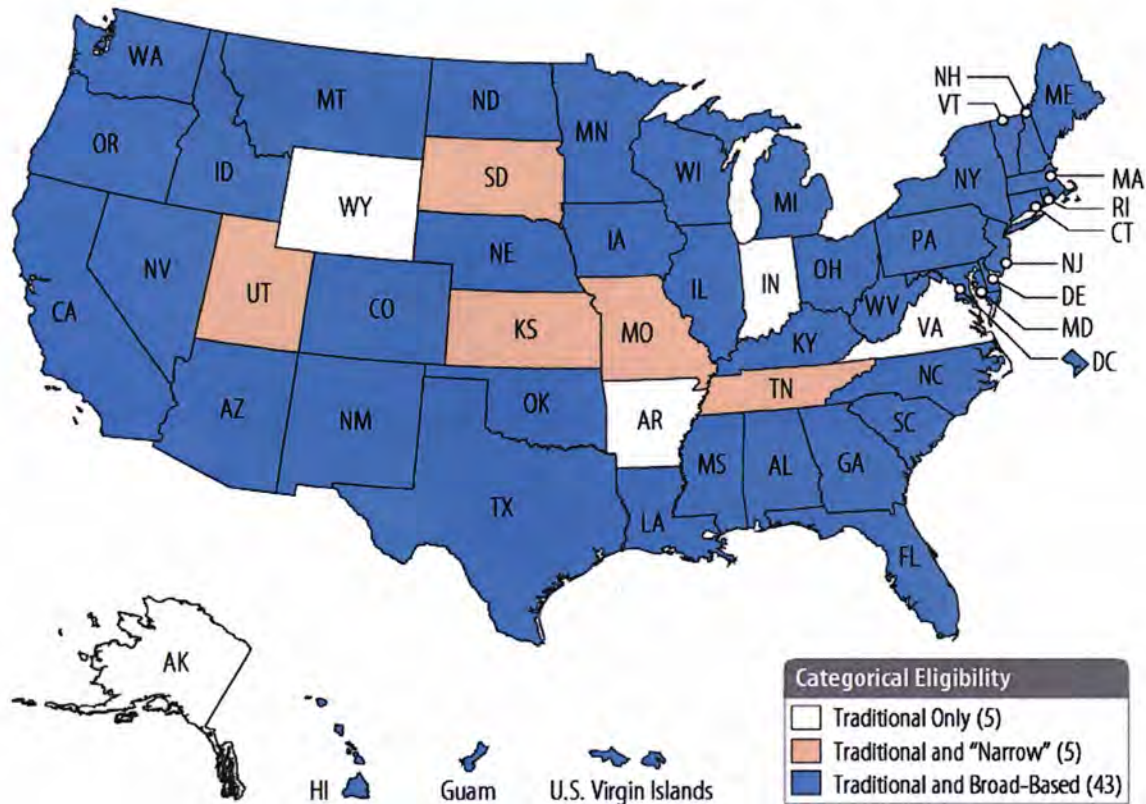
¹⁸ 7 CFR § 273.2(j)(i).

¹⁹ 7 CFR § 273.2(j)(ii); nationally, households with income in excess of 130% FPL (the majority of those recipients made eligible at the states' option) accounted for 5.6% of all SNAP households in FFY 2015. *Characteristics of Supplemental Nutrition Assistance Program Households: Fiscal Year 2015*, Report No. SNAP-16-CHAR, SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, NUTRITION ASSISTANCE PROGRAM REPORT SERIES, OFFICE OF POLICY SUPPORT, available at, <https://www.fns.usda.gov/sites/default/files/ops/Characteristics2015.pdf> (last visited February 18, 2017).

²⁰ Letter from Lizbeth Silberman, Director, Program Development Division, Food and Nutrition Service, United States Department of Agriculture, to all Regional Directors of the Supplemental Nutrition Assistance Program, RE: SNAP -Fiscal Year 2017 Cost-of-Living Adjustments, Aug. 10, 2016, available at, <https://www.fns.usda.gov/sites/default/files/snap/SNAP-Fiscal-Year-2017-Cost-of-Living-Adjustments.pdf> (last visited February 18, 2017).

²¹ Gene Falk and Randy Alison Aussenberg, *The Supplemental Nutrition Assistance Program (SNAP): Categorical Eligibility*, CONGRESSIONAL RESEARCH SERVICE, July 22, 2014, available at <https://www.fas.org/sgp/crs/misc/R42054.pdf> (last visited February 18, 2017).

Scope of SNAP Categorical Eligibility by State²²



Quality Control and Penalties for Improperly Disbursed Benefits

SNAP's quality control system requires states each month to select a representative sample of SNAP cases and have independent state reviewers check the accuracy of the state's eligibility and benefit decisions within federal guidelines.²³ Federal officials then re-review a subsample of the cases to ensure accuracy in the error rates.²⁴ USDA annually releases state and national error rates based on these reviews.²⁵

Depending upon a state's error rate, the USDA may impose financial penalties or award performance bonuses.²⁶ The USDA awards \$48 million in state performance bonuses each year to the top and the most improved state performers across four measures:²⁷

- Payment accuracy (\$24 million),
- Case and procedural error rate (\$6 million),
- Application processing timeliness (\$6 million), and
- Program access index (\$12 million).²⁸

For the most recent year in which all states were evaluated (FFY 2014),²⁹ Florida had one of the lowest error rates of any state.³⁰ For having such a low error rate, DCF received a \$7 million bonus from the

²² Id.

²³ Dottie Rosenbaum, *SNAP Error Rates at All-Time Lows*, CENTER ON BUDGET AND POLICY PRIORITIES, Jul. 2, 2014, available at <http://www.cbpp.org/sites/default/files/atoms/files/7-2-14fa.pdf> (last visited February 18, 2017).

²⁴ Id.

²⁵ Id.

²⁶ Id.

²⁷ Id.

²⁸ Id. This is separate from the quality control system and measures states' success in reaching eligible low-income individuals, based on an estimate of the number of SNAP participants.

USDA.³¹ 2014 was the seventh consecutive year that DCF was rewarded for improvements and accuracy in correctly processing SNAP applications; Florida's bonuses total more than \$54 million.³²

SNAP Work Requirements

Generally, SNAP recipients are subject to the same work requirements as TCA recipients if they also receive TCA through TANF.³³ SNAP recipients who are able-bodied adults without dependents (ABAWDs) must also meet work requirements in order to receive benefits.³⁴ Qualifying activities include unsubsidized paid employment as well as subsidized employment and on-the-job training.³⁵ Individuals who fail to comply with the work requirements are limited to three months of SNAP benefits within a three-year period.³⁶ However, individuals are exempt from the time limit if they are:

- Under 18 years of age³⁷ or 50 years of age or older,
- A parent or responsible for the care of a child or incapacitated household member,
- Medically certified as physically or mentally unfit for employment,
- Pregnant,
- Participating in a drug or alcohol addiction treatment and rehabilitation program, or
- Already exempt from the general SNAP work requirements.³⁸

The American Recovery and Reinvestment Act (ARRA) of 2009³⁹ authorized the federal government to waive the SNAP benefit time limits, waive noncompliance sanctions, and make the work requirements voluntary, for states with high unemployment rates at those states' requests. In order to qualify, states must demonstrate that they have an unemployment rate above 10 percent or a lack of sufficient jobs.⁴⁰ In FFY 2015, there were 31 states with statewide ABAWD time limit waivers and 13 states with partial waivers.⁴¹

Florida implemented the ABAWD waiver in 2009; however, statewide eligibility for this waiver expired⁴² on December 31, 2015, because of Florida's improved economy.⁴³ When the ABAWD waiver was first

²⁹ Due to the data quality issues uncovered in 42 of 53 State agencies during the reviews, the State-reported error rates derived from that data cannot be validated. Since that data cannot be validated, USDA was unable to calculate a national error rate for FFY15. USDA released State error rates for the 11 States whose quality control data could be validated. *Supplemental Nutrition Assistance Program (SNAP) Quality Control*, UNITED STATES DEPARTMENT OF AGRICULTURE, <https://www.fns.usda.gov/snap/quality-control> (last visited February 18, 2017).

³⁰ *Supplemental Nutrition Assistance Program: Payment Error Rates FY 2014*, UNITED STATES DEPARTMENT OF AGRICULTURE, <https://www.fns.usda.gov/sites/default/files/snap/2014-rates.pdf> (last visited February 18, 2017).

³¹ *DCF Receives \$7 Million in Federal Bonus for Food Assistance Accuracy*, FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES, <http://www.myflfamilies.com/press-release/dcf-receives-7-million-federal-bonus-food-assistance-accuracy> (last visited February 18, 2017).

³² *Id.*

³³ 7 USC § 2015(d)(2). For a discussion of TANF work requirements, see pp. 10-11, *infra*.

³⁴ ABAWDs must work, participate in a work program, or engage in a combination of work and participation in a work program for a total of 20 hours per week, averaged to 80 hours a month, or participate in and comply with a workfare program. 7 CFR § 273.24(a)(1).

³⁵ 7 CFR § 273.24(a)(2)-(4).

³⁶ 7 CFR § 273.24(b).

³⁷ A person age 16 or 17 who is not the head of a household or who is attending school, or is enrolled in an employment training program, on at least a half-time basis, is also exempt. 7 CFR § 273.7(b)(1)(i).

³⁸ 7 CFR § 273.24(c); see also § 273.7(b)(1).

³⁹ Pub. L. 111-5.

⁴⁰ 7 CFR § 273.24(f).

⁴¹ *Status of State Able-bodied Adult without Dependents (ABAWD) Time Limit Waivers in Fiscal Year (FY) 2015**, UNITED STATES DEPARTMENT OF AGRICULTURE, available at https://www.fns.usda.gov/sites/default/files/snap/FY_2015_ABAWD_Waiver_Status.pdf (last visited February 18, 2017).

⁴² S. 414.455, F.S., (s. 2, ch. 2015-226, Laws of Fla.) requires DCF to obtain specific authorization from the Legislature before seeking, applying for, accepting, or renewing any future waiver of work requirements established under 7 USC § 2015(o).

⁴³ Email from Jennifer Lange, Assistant Secretary for Economic Self-Sufficiency, Florida Department of Children and Families, RE: This Is What Happened When Maine Forced Welfare Recipients To Work For Their Benefits (May 1, 2015) (Email on file with Children, Families, and Seniors Subcommittee staff).

implemented, Florida's unemployment rate was over 11%; however, by the waiver's expiration it had fallen to 4.8%.⁴⁴

Florida's SNAP Program

Various state agencies and entities work together through a series of contracts or memoranda of understanding to administer the SNAP Program in Florida.

- The Department of Children and Families (DCF) determines and monitors eligibility and disperses benefits to SNAP recipients.
- The Department of Economic Opportunity (DEO) submits financial and performance reports, ensures compliance with federal and state measures, and provides training and technical assistance to Regional Workforce Boards (RWBs).
- CareerSource Florida has planning and oversight responsibilities for all workforce-related programs, including those for "work eligible"⁴⁵ SNAP recipients through its RWBs.⁴⁶
- RWBs provide a coordinated and comprehensive delivery of local workforce services within their respective areas. The RWBs focus on strategic planning, policy development and oversight of the local workforce investment system within their respective areas and contract with one-stop career centers.

SNAP enrollment in Florida has more than doubled over the last ten years;⁴⁷ however, enrollment has decreased slightly since early 2016 due to the reinstatement of work requirements for ABAWDs.⁴⁸ Participation in SNAP from 2010 to 2015 outpaced population growth in Florida; in 2010, 16.4%⁴⁹ of all Floridians received SNAP, while that number increased to 18.5%⁵⁰ in 2015.⁵¹ As of November 30, 2016, 3,331,377 individuals were enrolled in SNAP in Florida.⁵²

⁴⁴ BUREAU OF ECONOMIC AND BUSINESS RESEARCH, UNIVERSITY OF FLORIDA, *Employment (SA) – Monthly Unemployment Rate*, <https://www.bebr.ufl.edu/data/2031/state/12000-state-florida> (last visited February 18, 2017).

⁴⁵ For the SNAP program, "work eligible" is defined as individuals who are physically and mentally fit, aged 16-59, and do not qualify for an exemption.

⁴⁶ For a listing of all the RWBs, see FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY, *CareerSource Florida Network Directory*, <http://www.floridajobs.org/onestop/onestopdir/> (last visited February, 18 2017).

⁴⁷ Presentation to Children, Families, and Seniors Subcommittee on January 12, 2017 (PowerPoint on file with Children, Families, and Seniors Subcommittee staff).

⁴⁸ When the ABAWD waiver expired and the work requirements were put into place, over 300,000 ABAWDs initially failed to comply and were time limited as of April 2016. Email from Rachel Moscoso, Deputy Legislative Affairs Director, Department of Children and Families, RE: Fwd: ESS Response to House subcommittee (Jan. 18, 2017) (Email on file with Children, Families, and Seniors Subcommittee staff).

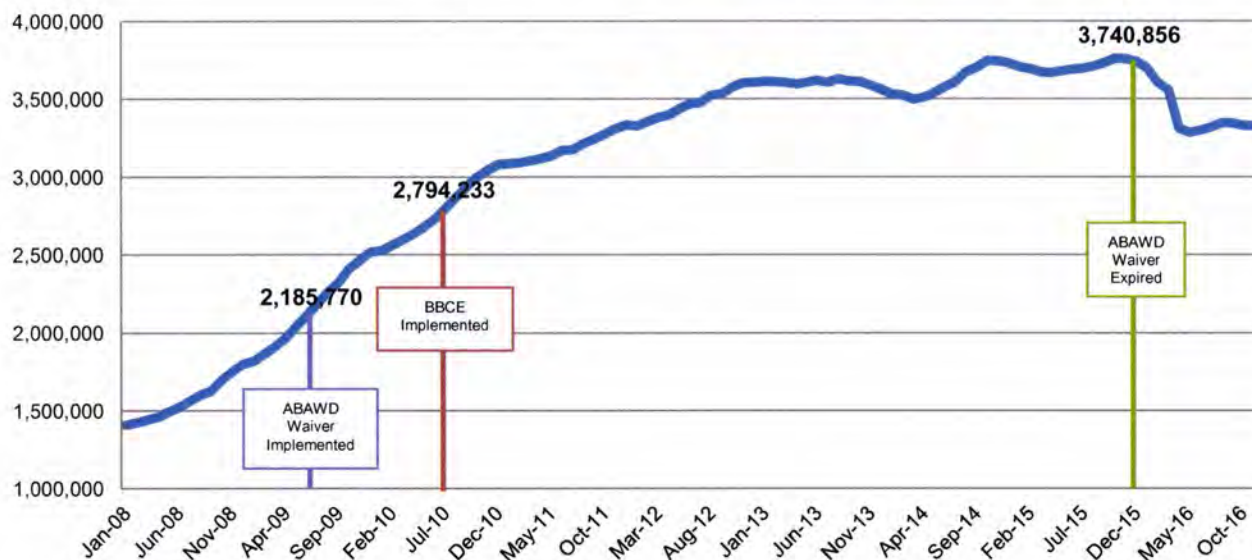
⁴⁹ In 2010 the state population was 18,801,310, and 3,079,742 people received SNAP benefits.

⁵⁰ In 2015 the state population was estimated to be 20,271,272, and 3,740,856 people received SNAP benefits.

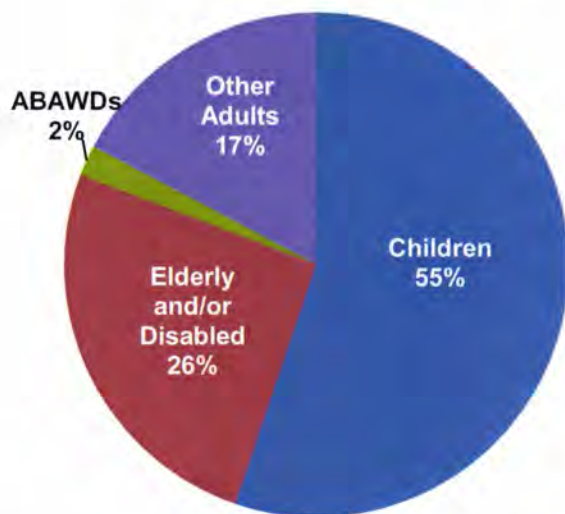
⁵¹ Email from Rachel Moscoso, Deputy Legislative Affairs Director, Department of Children and Families, RE: Info request - SNAP Enrollment and Eligibility Questions - House CSE (Oct. 13, 2016) (Email on file with Children, Families, and Seniors Subcommittee staff).

⁵² *Supra*, note 47

Florida SNAP Recipients (2008-2016):



Florida SNAP Enrollment as of November 30, 2016⁵³



Children	1,837,913
Elderly and/or Disabled	853,843
ABAWDs	65,525
Other Adults ⁵⁴	574,097
Total Individuals	3,331,377

Florida SNAP Eligibility

In 2010, Florida, along with thirty-nine other states, Guam, and the U.S. Virgin Islands, opted to use BBCE.⁵⁵ The federal government had encouraged states to expand eligibility to households that had been hurt by the economic downturn but which also had modest resources. Florida's BBCE standards allow most households to meet a gross income limit less than or equal to 200% FPL.⁵⁶ However,

⁵³ Id.

⁵⁴ This includes those adults who are federally mandated to be categorically eligible and all other adults eligible under BBCE who are not ABAWDs or elderly/disabled.

⁵⁵ *Supra*, note 21, see also *Broad-based Categorical Eligibility*, UNITED STATES DEPARTMENT OF AGRICULTURE, available at <https://www.fns.usda.gov/sites/default/files/snap/BBCE.pdf> (last visited February 18, 2017).

⁵⁶ Id.; see also, rule 65A-1.602(9), F.A.C. and *Supplemental Nutrition Assistance Program: DCF Has Mechanisms in Place to Facilitate Eligibility, Verify Participant Identity, and Monitor Benefit Use*, OPPAGA, Jan. 7, 2016. (Research Memorandum on file with Children, Families, and Seniors Subcommittee staff). With the BBCE option, Floridians who lose

households with a member disqualified for breaking Food Assistance Program rules, felony drug trafficking, running away from a felony warrant, or not participating in a work program are excluded from BBCE and instead must have gross income less than or equal to 130% of the FPL and a net income less than 100% of the FPL.⁵⁷ Florida also has exercised its authority under BBCE to waive asset limits for SNAP in most cases. DCF permits most households to have assets such as vehicles, bank accounts, and property and still receive SNAP,⁵⁸ but requires that households with disqualified members meet an asset limit of either \$2,250, or \$3,250 if the household has an elderly or disabled member.⁵⁹

SNAP Eligibility Verification

DCF administers the Automated Community Connection to Economic Self-Sufficiency (ACCESS) Program which verifies identities and determines eligibility for SNAP as well as TANF and Medicaid.⁶⁰ DCF collects household, identity, and income information from applicants. For example, SNAP applicants must provide DCF with proof of identity, citizenship, and noncitizen status of household members, including furnishing a Social Security number or proof of Social Security number application for each member.⁶¹ Applicants also provide proof of earned and unearned income for each household member (such as recent check stubs, child support information, and notices from the Social Security or Veteran's Administrations).⁶²

The ACCESS system's identity verification module compares the applicant's data against its database to verify an applicant's identity.⁶³ The ACCESS system also validates information by comparing applicant's or recipient's data with income and eligibility data provided through the use of approximately 20 data exchanges, some of which are required by the federal government while others are used at the state's option.⁶⁴ To finalize the application process, the ACCESS system's identity verification module generates four unique identity verification questions that an applicant may choose to answer before submitting the full application.⁶⁵ These questions are complex and unrelated to the basic identifying information a thief could obtain from stealing an applicant's wallet.⁶⁶ Once eligible, recipients must report when their household income exceeds 130% FPL. DCF takes action to reevaluate SNAP eligibility or recalculate the SNAP benefit amount only on changes where the recipient's income exceeds 130% of the FPL or when it obtains certain information from its databases that would impact the recipient's benefit eligibility or amount.⁶⁷

their jobs or experience a decrease in wages but continue to have high expenses and/or assets (e.g. fishing boats) are able to gain eligibility, which helps them maintain self-sufficiency over time; in FY 2014-15, DCF reported that approximately 22,000 of the 147,000 households whose income was below 200% FPL but above 130% FPL had assets in excess of the traditional asset limits, but were eligible for SNAP under BBCE.

⁵⁷ Rules 65A-1.602(8)(b), (10), F.A.C.

⁵⁸ Rules 65A-1.303(1) and 1.602(11), F.A.C., incorporate by reference the relevant federal statutes and regulations governing assets but explicitly exclude vehicles from the eligibility determination for food assistance under 7 CFR § 273.8(f)(4).

⁵⁹ Rules 65A-1.602(8)(b), (11), F.A.C.

⁶⁰ Rule 65A-1.205. F.A.C

⁶¹ *Supplemental Nutrition Assistance Program: DCF Has Mechanisms in Place to Facilitate Eligibility, Verify Participant Identity, and Monitor Benefit Use*, OPPAGA, Jan. 7, 2016.

⁶² *Id.*

⁶³ *Id.*

⁶⁴ A list of all databases queried is on file with Children, Families, and Seniors Subcommittee staff.

⁶⁵ *Supra*, note 61.

⁶⁶ *Id.*

⁶⁷ Email from Rachel Moscoso, Deputy Legislative Affairs Director, Department of Children and Families, RE: Follow-up from ACCESS call (Nov. 29, 2016) (Email on file with Children, Families, and Seniors Subcommittee staff).

SNAP Work Requirements

Beginning January 1, 2016, Florida implemented mandatory work requirements for all ABAWDs in all 67 counties, reinstating benefit limits for ABAWDs who fail to meet work requirements.⁶⁸

ABAWDs who must comply with work requirements are referred to their local RWB,⁶⁹ which provides information about available jobs, on-the-job training, and education and training services.⁷⁰ ABAWDs may meet work requirements in a variety of ways by accessing services offered through RWBs.⁷¹ ABAWDs are required to inform their CareerSource worker of their monthly hours working, volunteering, or in an RWB work program to retain their SNAP benefits.⁷²

ABAWDs must report to DCF when their weekly work hours fall below 20 hours per week (80 hours per month).⁷³ If an ABAWD's work hours fall below 20 hours per week, DCF refers the ABAWD for mandatory participation with CareerSource.⁷⁴

Federal Temporary Assistance for Needy Families (TANF) Program

Under the federal welfare reform legislation of 1996, the TANF program replaced the welfare programs known as Aid to Families with Dependent Children, the Job Opportunities and Basic Skills Training program, and the Emergency Assistance program. The law ended federal entitlement to assistance and instead created TANF as a block grant that provides federal funds to states, territories, and tribes each year. These funds cover benefits, administrative expenses, and services targeted to needy families. TANF became effective July 1, 1997, and was reauthorized in 2006 by the Deficit Reduction Act of 2005. States receive block grants to operate their individual programs and to accomplish the goals of the TANF program.

Florida's Temporary Cash Assistance Program

Florida's Temporary Cash Assistance (TCA) program is one of several programs funded with TANF block grant funds. The purpose of the TCA program is to help families become self-supporting while allowing children to remain in their own homes; it provides cash assistance to families with children that meet the technical, income, and asset requirements.⁷⁵ In November 2016, 12,517 adults and 65,855 children received TCA.⁷⁶

Various state agencies and entities work together through a series of contracts or memoranda of understanding to administer the TCA program. DCF is the recipient of the federal TANF block grant and administers the TCA program, monitoring eligibility and dispersing benefits. As with the SNAP program, DEO is responsible for financial and performance reporting ensuring compliance with federal and state measures and providing training and technical assistance to RWBs. CareerSource Florida has planning and oversight responsibilities for all workforce-related programs.

⁶⁸ 7 CFR § 273.24(b).

⁶⁹ Rule 65A-1.605(5), F.A.C.

⁷⁰ Workforce Investment Act – Workforce Innovation and Opportunity Act Annual Report for 2015-2016 Program Year, CareerSource Florida, Inc., available at https://careersourceflorida.com/wp-content/uploads/2016/10/161003_AnnualReport.pdf (last visited February 18, 2017).

⁷¹ Id.

⁷² *Supra*, note 67.

⁷³ Id.

⁷⁴ Id.

⁷⁵ Children must be under the age of 18, or under age 19 if they are full time secondary school students. Parents, children and minor siblings who live together must apply together. Additionally, pregnant women may also receive TCA, either in the third trimester of pregnancy if unable to work, or in the 9th month of pregnancy.

⁷⁶ Department of Children and Families, Monthly Flash Report Caseload Data: November 2016, <http://eww.dcf.state.fl.us/ess/reports/docs/flash2005.xlsx> (last visited February 18, 2017).

TCA Work Requirement

To be eligible for full-family TCA, applicants must participate in work activities unless they qualify for an exemption. Exemptions from the work requirement are available for:

- An individual who receives benefits under the SSI program or the Social Security Disability Insurance program.
- An adult who is not defined as a work-eligible individual under federal law.
- A single parent of a child under 3 months of age, except that the parent may be required to attend parenting classes or other activities to better prepare for raising a child.
- An individual who is exempt from the time period because of a hardship exemption.⁷⁷

Individuals receiving TCA who are not otherwise exempt from work activity requirements must participate in work activities for the maximum number of hours allowable under federal law.⁷⁸ The number of required work or activity hours is determined by calculating the value of the cash benefits and then dividing that number by the hourly minimum wage amount. Federal law requires individuals to participate in work activities for at least:

- 20 hours per week, or attend a secondary school or the equivalent or participate in education directly related to employment if under the age of 20 and married or single head-of-household.
- 20 hours per week for single parents with a child under the age of six.
- 30 hours per week for all other single parents.
- 35 hours per week, combined, for two-parent families not receiving subsidized child care.
- 55 hours per week, combined, for two-parent families receiving subsidized child care.

Pursuant to federal rule⁷⁹ and state law,⁸⁰ job search, on-the-job training, education, and subsidized and unsubsidized employment, among other things, may be used individually or in combination to satisfy the work requirements for a participant in the TCA program.

TCA Workforce Services

If no exemptions from work requirements apply, DCF refers the applicant to DEO.⁸¹ Upon referral, the participant must complete an in-take application and undergo assessment by RWB staff which includes:

- Identifying barriers to employment.
- Identifying the participant's skills that will translate into employment and training opportunities.
- Reviewing the participant's work history.
- Identifying whether a participant needs alternative requirements due to domestic violence, substance abuse, medical problems, mental health issues, hidden disabilities, learning disabilities or other problems which prevent the participant from engaging in full-time employment or activities.

⁷⁷ S. 414.105, F.S.

⁷⁸ S. 445.024(2), F.S.

⁷⁹ 45 C.F.R. § 261.30.

⁸⁰ This information is not required as part of CareerSource Florida's annual report to the Legislature and Governor. See, S. 445.024, F.S.

⁸¹ This is an electronic referral through a system interface between DCF's computer system and DEO's computer system. Once the referral has been entered into the DEO system the information may be accessed by any of the RWBs or One-Stop Career Centers.

Once the assessment is complete, the staff member and participant create an Individual Responsibility Plan (IRP). The IRP includes:

- The participant's employment goal;
- The participant's assigned activities;
- Services provided through program partners, community agencies and the workforce system;
- The weekly number of hours the participant is expected to complete; and
- Completion dates and deadlines for particular activities.

RWBs currently have discretion to assign an applicant to a work activity, including job search, before receiving TCA.⁸² Currently, Florida's TANF Work Verification Plan⁸³ requires participants to record each on-site job contact and a representative of the employer or RWB provider staff to certify the validity of the log by signing each entry. If the applicant conducts a job search by phone or internet, the activity must be recorded on a job search report form and include detailed, specific information to allow follow-up and verification by the RWB provider staff.⁸⁴

Employment Outcomes for TCA Recipients

CareerSource Florida does not track or document employment outcomes for the TCA recipients subject to mandatory work requirements.⁸⁵ However, based on data from the Florida Department of Education (DOE) and federal reports, it appears that very few TCA recipients exit the program because of self-sufficiency.

Annual outcome reports published by DOE's Florida Education and Training Placement Information Program indicate that, of those who received TCA in 2013-14, only 14% found employment, and the majority of those employed earned below minimum wage.⁸⁶ Of those who were employed, 86% continued to receive either SNAP or TCA benefits.⁸⁷ Additionally, federal TANF data shows that, in 2015, only 12.3% of cases in Florida were closed because TCA recipients gained employment that moved them out of the program; this was below the national average of 16.9 percent.⁸⁸ More participants exited the program due to sanctions for failure to meet work requirements than through employment.⁸⁹

Barriers to Employment for TCA Recipients

Poor employment outcomes for TCA recipients are in part due to barriers that make it difficult for them to obtain and keep jobs. Most TCA recipients have at least one barrier to work and many have multiple barriers, with their likelihood of employment decreasing as the number of barriers increases.⁹⁰ Common

⁸² Department of Children and Families, Agency Analysis of 2016 House Bill 563 (Nov. 20, 2015) (on file with Children, Families, and Seniors Subcommittee staff).

⁸³ DEPARTMENT OF CHILDREN AND FAMILIES ECONOMIC SELF-SUFFICIENCY PROGRAM OFFICE, *Temporary Assistance for Needy Families State Plan Renewal October 1, 2014 – September 30, 2017*, Nov. 14, 2014, available at www.dcf.state.fl.us/programs/access/docs/TANF-Plan.pdf (last visited February 18, 2017).

⁸⁴ *Supra*, note 82 at 2.

⁸⁵ S. 445.004, F.S.

⁸⁶ Florida Education & Training Placement Information Program, *Annual Outcomes Report: Fall 2014 Data*, Dec. 2015, FLORIDA DEPARTMENT OF EDUCATION, available at <http://www.fldoe.org/core/fileparse.php/7592/urlt/AORPublicationForWeb.pdf> (last visited February 18, 2017).

⁸⁷ *Id.*

⁸⁸ Information on reasons for TANF case closures on file with Children, Families, and Seniors Subcommittee staff.

⁸⁹ *Id.* 14.5% of participants' TANF cases were closed for failure to comply with work requirements. Another 42.3% were closed for failure to comply with other, non-work related, program requirements.

⁹⁰ See, Dan Bloom, Pamela J. Loprest, and Sheila R. Zedlewski, *TANF Recipients with Barriers to Employment*, THE URBAN INSTITUTE, Aug. 2012, available at <http://www.mdrc.org/sites/default/files/TANF%20Recipients%20with%20Barriers%20to%20Employment.pdf> (last visited February 18, 2017); Amy Dworsky and Mark E. Courtney, *Barriers to Employment Among TANF Applicants and Their Consequences for Self-Sufficiency*, *Families in Society: The Journal of Contemporary Social Services*, Vol. 88, No. 3 (2007), available at <https://secure.ce4alliance.com/articles/101210/dworsky.pdf> (last visited February 3, 2017).

barriers to employment for TCA recipients include lack of a high school diploma, no or negative work experience, work-limiting health conditions, and poor mental and emotional health.⁹¹

These barriers were associated with a reduction in the estimated odds that the TCA recipient with them would secure employment.⁹² For example, the estimated odds of being employed were 71% lower for TCA recipients who had no prior work experience as compared with those who had some prior work experience; additionally, the odds of being employed were also significantly lower for TCA recipients who had no high school diploma or GED (30%), who had a physical or mental disability (33%), or whose health was fair or poor (37%).⁹³

Best Practices for Improving Employment Outcomes for SNAP and TCA Recipients

A study by FNS reviewed research on employment and training (E&T) program components and practices that assist members of households participating in SNAP to obtain regular employment.⁹⁴ FNS found the strategies that best improve employment outcomes and economic self-sufficiency of participants include:

- Using individualized service plans to address recipients' strengths and weaknesses as identified through initial assessments;
- Developing third-party partnerships between the state workforce development programs, community colleges, and local non-profit organizations to increase the scope and intensity of available services; and
- Serving individuals who volunteer to participate, rather than mandating participation as a condition of eligibility.⁹⁵

To improve the ability of low-income individuals, both working-poor and unemployed, to advance beyond low-wage jobs, workforce development agencies should provide:

- Work requirements and work incentives;
- Job search assistance and placement supports;
- Subsidized employment;
- Education and training;
- Case management and supportive services;
- Focus on in-demand sectors; and
- Collaboration with other programs to provide comprehensive services to targeted participants.⁹⁶

Stand-alone basic skills instruction and job search assistance programs fall short of helping participants achieve lasting self-sufficiency.⁹⁷ In contrast, more intensive services that combine several components simultaneously or sequentially appear to be more promising in helping participants achieve the desired improvements in employment and earnings.⁹⁸ For example, programs that combine job search and education/training activities with a specific mix of services based upon the individual's needs resulted in higher rates of participation, overall and by component, and longer lasting impacts than single activity programs.⁹⁹

⁹¹ Id.

⁹² Dan Bloom, Pamela J. Loprest, and Sheila R. Zedlewski, *TANF Recipients with Barriers to Employment*, THE URBAN INSTITUTE, Aug. 2012, *supra*.

⁹³ Id.

⁹⁴ *Supplemental Nutrition Assistance Program (SNAP) Employment and Training (E&T) Best Practices Study: Final Report*, UNITED STATES DEPARTMENT OF AGRICULTURE FOOD AND NUTRITION SERVICE, Nov. 2016, available at <https://www.fns.usda.gov/sites/default/files/ops/SNAPEandTBestPractices.pdf> (last visited February 18, 2017).

⁹⁵ Id.

⁹⁶ Id.

⁹⁷ Id.

⁹⁸ Id.

⁹⁹ Gayle Hamilton, *Moving People from Welfare to Work: Lessons from the National Evaluation of Welfare-to-Work Strategies*, MANPOWER DEMONSTRATION RESEARCH CORPORATION, July 2002, available at <http://eric.ed.gov/?id=ED469794> (last visited February 1, 2017); Karin Martinson & Julie Strawn, *Built to Last: Why Skills Matter for Long-Run Success in*

One of the findings from the FNS study was that programs leading to academic credentials or community college certificates are often associated with improved outcomes, especially when the E&T is in a sector that has been targeted for its expected high growth and ability to offer high-wage jobs, and that strategies that connect participants to in-demand fields or careers, including apprenticeships and on-the-job training, also lead to improved earnings.¹⁰⁰ One state where this approach shows promise is Arkansas. The Arkansas Career Pathways Initiative (CPI) provides education and training for TANF-eligible low-income parents to help them acquire the degrees and credentials necessary to obtain and hold jobs in selected high-demand, high-wage industries.¹⁰¹ The program offers participants with a comprehensive set of academic and support services along with personalized case management and access to financial support.¹⁰² The most recent data reflects a 92% overall job retention among participants for fiscal year 2014 and 72% of participants entering employment for fiscal year 2015.¹⁰³ Similarly, Washington's Basic Food Employment and Training (BFET) program, a public-private partnership SNAP E&T Program for recipients who are not on TANF, provides services through community-based organizations and community colleges with an emphasis on basic education and vocational training.¹⁰⁴ After two years of the program being implemented, nearly 70% of participants were employed.¹⁰⁵ Participants received annual earnings of \$4,100 more than before they entered the BFET program.¹⁰⁶

Washington was also among ten states awarded a three-year grant by the 2014 Farm Bill to develop an innovative program to improve employment outcomes.¹⁰⁷ In order to be eligible for the new program, Resources to Initiate Successful Employment (RISE), participants must qualify for BFET and must have one critical barrier (e.g. mental or physical health problems, domestic violence, child welfare involvement) or three or more stand-alone barriers (e.g. housing, learning disability, lack of employment

Welfare Reform, CENTER FOR LAW AND SOCIAL POLICY, April 2003, available at <http://www.clasp.org/resources-and-publications/files/0119.pdf> (last visited February 18, 2017); Judith M. Gueron & Gayle Hamilton, *The Role of Education and Training in Welfare Reform. Welfare Reform and Beyond*, THE BROOKINGS INSTITUTION, April 2002, available at <http://files.eric.ed.gov/fulltext/ED478580.pdf> (last visited February 18, 2017); Anu Rangarajan, Alicia Meckstroth, & Tim Novak, *The Effectiveness of the Postemployment Services Demonstration: Preliminary Findings*, MATHEMATICA POLICY RESEARCH, INC., January 22, 1998, available at <https://www.mathematica-mpr.com/-/media/publications/pdfs/impact.pdf> (last visited February 18, 2017).

¹⁰⁰ *Supra*, note 94.

¹⁰¹ ARKANSAS CAREER PATHWAYS, *Background of Arkansas Career Pathways Initiative*, http://www.arpathways.com/about_us_history.html (last visited February 18, 2017).

¹⁰² See *TANF Education and Training: The Arkansas Career Pathways Initiative*, CENTER FOR POSTSECONDARY AND ECONOMIC SUCCESS CENTER FOR LAW AND SOCIAL POLICY, April 2010, available at <http://www.clasp.org/resources-and-publications/files/Arkansas-Career-Pathways.pdf> (last visited February 18, 2017); and *The Arkansas Career Pathways Initiative: Phase One Research Results*, COLLEGE COUNT\$, available at http://www.collegecounts.us/s/CollegeCounts_Full_Report.pdf (last visited February 18, 2017).

¹⁰³ *Arkansas Career Pathways Initiative Progress/Close Out Report of Activities and Outcomes (July 1, 2015 – June 30, 2016)*, ARKANSAS DEPARTMENT OF HIGHER EDUCATION, 2016, available at <http://www.arpathways.com/pdfs/Progress%20Reports/Progress%20Report%20Year%20Eleven%20Final.pdf> (last visited February 18, 2017).

¹⁰⁴ *Washington State's Basic Food Employment & Training Program*, SEATTLE JOBS INITIATIVE, June 2014, available at <http://www.aecf.org/m/resourcedoc/sji-WashingtonStatesFoodEmploymentTraining-2014.pdf> (last visited February 18, 2017).

¹⁰⁵ *Washington's Basic Food Employment & Training Program (BFET)*, CENTER FOR LAW AND SOCIAL POLICY, May 2014, available at <http://www.clasp.org/resources-and-publications/publication-1/Washingtons-Basic-Food-Employment-Training-Program-BFET.pdf> (last visited February 18, 2017).

¹⁰⁶ *Id.*

¹⁰⁷ In March 2015, USDA awarded grants (ranging from \$8.9 million to \$22.3 million) to ten pilots through a competitive grants solicitation. Pilot projects in California, Delaware, Georgia, Illinois, Kansas, Kentucky, Mississippi, Virginia, Vermont, and Washington were chosen. The pilots have designed and are building job-driven employment and training strategies that connect to in-demand and emerging industries, foster new partnerships, breakdown silos, and incorporate evidence-based strategies that are being tested for the first time among the target population. *Annual Report to Congress SNAP Employment and Training (E&T) Pilot Projects Authorized by the Agricultural Act of 2014*, UNITED STATES DEPARTMENT OF AGRICULTURE FOOD AND NUTRITION SERVICE, available at <https://www.fns.usda.gov/sites/default/files/snap/SNAP-E-and-T-2016-report.pdf> (last visited February 18, 2017).

history).¹⁰⁸ RISE provides additional services for BFET participants facing these greater barriers by providing intensive case management¹⁰⁹ and comprehensive job readiness training as well as wraparound services.¹¹⁰

Some studies have found that transitional jobs strategies often produce outcomes such as increases in soft-skills, self-esteem, and life stability, and exposure to new fields and opportunities that are important for long-term employment success; however, outcomes can be difficult to measure.¹¹¹ Several programs have worked to improve participants' soft-skills as part of their E&T or TANF workforce program. For example, Ramsey County, Minnesota, implemented motivational interviewing and soft-skill development as part of its Lifelong Learning Initiative to improve employment outcomes for TANF recipients.¹¹² Early observations from Ramsey County indicate that soft-skill gains in decision making, priority setting, and planning increase participants' ability and confidence to also manage their health, children's education, and personal finances.¹¹³ These soft-skills have also created a more prepared workforce for employers.¹¹⁴ The findings from the synthesized research suggest SNAP recipients will benefit most from SNAP E&T if services offered by State programs:

- Are based on assessments of the work-related strengths and weaknesses of SNAP clients;
- Comprehensively address individuals' needs for skills training, basic skills education, and overcoming barriers to employment;
- Help participants earn credentials valued by employers in their chosen industry or sector; and
- Develop skills closely linked to labor market demands in the local area.¹¹⁵

¹⁰⁸ 2016-17 Resources to Initiate Successful Employment (RISE) Grant Guidance, WASHINGTON STATE BOARD FOR COMMUNITY & TECHNICAL COLLEGES, June 2016, available at <https://www.sbctc.edu/resources/documents/colleges-staff/grants/ffy17riseguidance.pdf> (last visited February 18, 2017).

¹⁰⁹ Intensive case management models, for example, often connect individuals with a myriad of services, including mental health counseling, substance abuse treatment, vocational rehabilitation, and domestic violence services, so that instead of having to find their way to each service, hard-to-employ TANF recipients have easier access through a case manager who coordinates their services for them.

¹¹⁰ Id.

¹¹¹ Gretchen G. Kirby, Heather Hill, LaDonna Pavetti, Jon Jacobson, Michelle Derr, & Pamela Winston. *Transitional Jobs: Stepping Stones to Unsubsidized Employment*. MATHEMATICA POLICY RESEARCH, INC., 2002, available at <https://www.mathematica-mpr.com/-/media/publications/pdfs/transitionalreport.pdf> (last visited February 18, 2017); Jonah Kushner, *Chicago Neighborhood JobStart Full Evaluation Report: A Transitional Jobs Response to the Great Recession*, SOCIAL IMPACT RESEARCH CENTER, February 2012, available at https://peerta.acf.hhs.gov/sites/default/files/public/uploaded_files/Chicago%20Evaluation_LK.pdf (last visited February 18, 2017); LaDonna Pavetti, Liz Schott, & Elizabeth Lower-Basch, *Creating Subsidized Employment Opportunities for Low-Income Parents: The Legacy of the TANF Emergency Fund*, CENTER ON BUDGET AND POLICY PRIORITIES AND CENTER FOR LAW AND SOCIAL POLICY, February 16, 2011, available at <http://www.cbpp.org/sites/default/files/atoms/files/2-16-11tanf.pdf> (last visited February 18, 2017); Dana Rotz, Nan Maxwell, & Adam Dunn, *Economic Self-Sufficiency and Life Stability One Year After Starting a Social Enterprise Job*, MATHEMATICA POLICY RESEARCH, INC., January 13, 2015, available at <http://redf.org/wordpress/wpcontent/uploads/2015/02/REDF-MJS-Final-Report.pdf> (last visited February 18, 2017); Margaret Schultz, *Michigan Earn and Learn: An Outcome & Implementation Evaluation of a Transitional Job and Training Program*, SOCIAL IMPACT RESEARCH CENTER, (April 2014), available at http://www.issuelab.org/resource/michigan_earn_and_learn_an_outcome_implementation_evaluation_of_a_transitional_job_and_training_program (last visited February 18, 2017).

¹¹² *Lifelong Learning Initiative for MFIP Families*, RAMSEY COUNTY WORKFORCE SOLUTIONS, available at http://mwca-mn.org/Best_Practices/2016/Ramsey%20County%20Lifelong%20Learning%20Intiative.pdf (last visited February 1, 2017).

¹¹³ Id.

¹¹⁴ Id.

¹¹⁵ *Supra*, note 94.

Effect of Proposed Changes

SNAP Eligibility

HB 581 limits eligibility for SNAP to those persons mandated by federal law. It eliminates BBCE and reinstates the federal minimum eligibility standards:

- A gross income below 130% FPL, a net income below 100% FPL, and less than \$2,250 of counted assets if at no one in the household is age 60 or older, or is disabled; or
- A gross income below 165% FPL, a net income below 100% FPL, and less than \$3,250 of counted assets if at least one person is age 60 or older, or is disabled.¹¹⁶

Those persons who have higher incomes or assets but are required by federal laws and regulations to be categorically eligible, i.e., TCA recipients, will remain eligible.

DCF estimates that at least 229,311 (6.8%) of SNAP recipients will no longer be eligible based on the income and asset limit changes; the largest group of recipients affected would be children, with at least 157,078, or 8.5% of all children receiving SNAP losing eligibility. Additionally, 2,257 or 3.4% ABAWDs would lose eligibility and 44,337 or 5.2% of elderly or disabled SNAP recipients would lose eligibility. These numbers could be higher because DCF does not currently collect asset information for all recipients, and these numbers are only for those recipients for whom DCF has asset information. The bill also requires DCF to contract with a vendor to provide verification of liquid assets to address possible errors or fraud.¹¹⁷

Program Waivers

The bill limits DCF's authority to seek waivers for the TCA and SNAP programs. DCF cannot seek waivers that would increase income or asset limits for TCA or SNAP eligibility.

Workforce Services

Pilot Program

The bill creates a program to be piloted in at least three RWBs to provide additional workforce services to TCA recipients with "significant barriers to employment." Significant barriers are:

- At least one "critical barrier:" substance abuse, mental illness, physical or mental disability, domestic violence, homelessness, and a criminal record affecting employment; or
- Three or more "standalone barriers:" significant job skill deficiencies; significant soft-skill deficiencies, such as communication, time management, and problem-solving skills; child welfare system involvement; and a negative or nonexistent employment history.

The new program would only apply to those TCA recipients with significant barriers. TCA recipients who are work ready or whose barriers are not significant are not eligible to participate in the pilot and, instead, would continue to receive the services currently available through their RWB.

The bill directs CareerSource Florida, in consultation with DEO, to contract with a vendor to develop the program. The vendor must have expertise in design and development of workforce programs, and the program it develops must be based on best available research and include comprehensive assessment, an individual responsibility plan, and intensive case management for each participant. The comprehensive assessment must identify the participants' significant barriers, and the intensive case management must address these barriers by providing ongoing one-on-one guidance, motivation, and support for participants by assessing their needs and barriers, identifying resources, and advising on

¹¹⁶ The asset limits are subject to cost-of-living adjustments by the FNS.

¹¹⁷ DCF currently contracts for asset verification for its Medicaid Aged, Blind, and Disabled population.

career and training opportunities, and working collaboratively with community partners to provide comprehensive services to the participants.

The vendor may include other elements, such as a combination of job search assistance, basic skills training, vocational education, strategies that connect registrants to relevant career opportunities by supporting their efforts to obtain educational certificates or industry certification, and transitional employment subsidies designed to eliminate significant barriers.

The bill directs CareerSource Florida, in consultation with DEO, to select RWBs for the pilot through a competitive process based on the RWBs' commitment to effectively serve the target population, record of innovation, and strong community partnerships.

Once CareerSource selects the RWBs, the bill directs them to contract with vendors to implement the program in their regions. Selected RWBs will all implement the same program as designed by the vendor.

CareerSource Florida must report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 15, 2020, on the pilot projects' outcomes.

Reporting Requirements

The bill requires CareerSource Florida to report on participation statistics and employment outcomes for mandatory workers in SNAP and TCA as a part of the annual report it submits to the Governor, the House of Representatives, and the Senate. For the mandatory work participants in TCA and SNAP, CareerSource must report on:

- Individuals served;
- Services received;
- Activities in which individuals participated;
- Types of employment secured;
- Individuals securing employment but remaining in each program;
- Individuals exiting programs due to employment; and
- Individuals' employment status at 3 months, 6 months, and 12 months after exiting the program, for the past 3 years.

B. SECTION DIRECTORY:

Section 1: Amends s. 414.14, F.S., relating to public assistance policy simplification.

Section 2: Amends s. 414.175, F.S., relating to review of existing waivers.

Section 3: Creates s. 414.315, F.S., relating to food assistance program eligibility standards.

Section 4: Creates s. 414.393, F.S., relating to applicant asset verification.

Section 5: Amends s. 445.004, F.S., relating to CareerSource Florida, Inc.; creation; purpose; membership; duties and powers.

Section 6: Provides an appropriation to the Department of Children and Families.

Section 7: Provides an appropriation to the Department of Economic Opportunity.

Section 8: Provides an effective date of July 1, 2017.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

DCF's vendor estimates a nonrecurring cost range of \$116,064 to \$145,080 to DCF to implement technology changes to SNAP income and asset limits and a nonrecurring cost of \$140,400 to \$180,180 to implement an automated asset verification service, resulting in a total nonrecurring cost of \$256,464 to \$325,260.¹¹⁸ The bill appropriates \$300,000 in non-recurring funds for this purpose.

Additionally, DCF estimates a cost range of \$7,553,489 to \$13,370,107, recurring annually, for asset verification of adult SNAP recipients.¹¹⁹ These costs were calculated using a unit cost per transaction of \$2.68, which is the current pricing structure of the vendor DCF uses for asset verification for adult Medicaid.¹²⁰ However, DCF will be able to negotiate a lower price based on a greater volume of transactions.¹²¹ Under the bill, DCF will have an estimated additional 415,737 transactions per month; the current cost per transaction of \$2.68 is based on a volume of 108,000 transactions. The bill appropriates \$3,342,525 in recurring funds for asset verification transactional fees.¹²² This assumes DCF will verify assets for adult recipients at every application and recertification at a cost per transaction of \$0.67, which is one-quarter of the current cost per transaction.

The bill appropriates \$500,000 in non-recurring funds to DEO for distribution to CareerSource Florida to develop and implement the pilot program. DEO does not anticipate any expenditures beyond those appropriated.¹²³

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

DCF estimates a monthly reduction of \$27,916,599 in benefits paid, affecting 229,311 individuals.

¹¹⁸ Department of Children and Families, Agency Bill Analysis for 2017 House Bill 0581, (Feb. 1, 2017) (On file with Children, Families, and Seniors Subcommittee Staff).

¹¹⁹ If all adults are screened at every application and recertification, DCF estimates a cost of \$13,370,107, however, if they are only screened annually, DCF estimates a cost of \$7,553,489. Email from Lindsey Zander, Legislative Specialist, Department of Children and Families, RE: HB 581 Bill Analysis (Feb. 14, 2017) (On file with Children, Families, and Seniors Subcommittee staff).

¹²⁰ Id.

¹²¹ Id.

¹²² Id.

¹²³ Department of Economic Opportunity, Agency Bill Analysis for 2017 House Bill 0581, (Feb. 1, 2017) (On file with Children, Families, and Seniors Subcommittee Staff).

D. FISCAL COMMENTS:

Since benefits are fully federally funded, there will be no reduction in state expenditures related to the eligibility changes made by the bill.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

A bill to be entitled

An act relating to family self-sufficiency; amending ss. 414.14 and 414.175, F.S.; authorizing changes to public assistance policy and federal food assistance waivers to conform to federal law and simplify administration unless such changes increase program eligibility standards; creating s. 414.315, F.S.; establishing food assistance program eligibility standards; providing resource and income eligibility limitations; providing that such standards are subject to changes in federal regulations governing resource and income eligibility; limiting categorical eligibility for food assistance; requiring the Department of Children and Families to obtain legislative authorization before seeking federal waivers to expand resource and income eligibility for food assistance; creating s. 414.393, F.S.; requiring the department to implement an asset verification service to verify eligibility for public assistance; amending s. 445.004, F.S.; requiring CareerSource Florida, Inc., to include certain data relating to the performance outcomes of local workforce development boards and associated pilot programs in an annual report to the Governor and Legislature; providing legislative findings; providing definitions; requiring

26 CareerSource Florida, Inc., to contract with a vendor
 27 to develop a pilot program to increase employment
 28 among certain persons receiving temporary cash
 29 assistance by a specified date; providing criteria for
 30 selecting a vendor; providing criteria for selecting
 31 local workforce boards to conduct the pilot program;
 32 requiring CareerSource Florida, Inc., to submit a
 33 comprehensive report on the outcome of the pilot
 34 program to the Governor and Legislature by a specified
 35 date; providing appropriations; providing an effective
 36 date.

37
 38 Be It Enacted by the Legislature of the State of Florida:

39
 40 Section 1. Section 414.14, Florida Statutes, is amended to
 41 read:

42 414.14 Public assistance policy simplification.—To the
 43 extent possible, the department shall align the requirements for
 44 eligibility under this chapter with the food assistance program
 45 and medical assistance eligibility policies and procedures to
 46 simplify the budgeting process and reduce errors. If the
 47 department determines that s. 414.075, relating to resources, or
 48 s. 414.085, relating to income, is inconsistent with federal law
 49 governing the food assistance program or medical assistance, and
 50 that conformance to federal law would simplify administration of

51 the Temporary Cash Assistance Program or reduce errors without
 52 materially increasing the cost of the program to the state, the
 53 secretary of the department may propose a change in the resource
 54 or income requirements of the program by rule, providing that
 55 such change does not increase income or resource eligibility
 56 standards for the program.

57 Section 2. Subsection (2) of section 414.175, Florida
 58 Statutes, is amended to read:

59 414.175 Review of existing waivers.—

60 (2) The department shall review federal law, including
 61 revisions to federal food assistance program requirements. If
 62 the department determines that federal food assistance waivers
 63 will further the goals of this chapter, including simplification
 64 of program policies or program administration, the department
 65 may obtain waivers if this can be accomplished within available
 66 resources, providing that such waiver does not increase income
 67 or resource eligibility standards for the food assistance
 68 program above the levels set by federal regulations in 7 C.F.R.
 69 s. 273.

70 Section 3. Section 414.315, Florida Statutes, is created
 71 to read:

72 414.315 Food assistance program eligibility standards.—

73 (1) RESOURCE ELIGIBILITY STANDARDS.—Except for those
 74 households that are federally required to be categorically
 75 eligible for food assistance in 7 C.F.R. 273.2:

76 (a) A household that does not include an elderly or
 77 disabled member may not exceed the maximum allowable resources,
 78 including both liquid and nonliquid assets, of \$2,250.

79 (b) A household that includes one or more members who are
 80 disabled or one or more members who are age 60 or over may not
 81 exceed \$3,250.

82
 83 The resource eligibility standards in this subsection are
 84 subject to any changes to the federal regulations governing
 85 resource eligibility for food assistance in 7 C.F.R. s. 273.8
 86 and any applicable cost of living adjustment.

87 (2) INCOME ELIGIBILITY STANDARDS.—Except for those
 88 households that are federally required to be categorically
 89 eligible for food assistance in 7 C.F.R. s. 273.2:

90 (a) A household that does not include an elderly or
 91 disabled member shall meet the gross income eligibility standard
 92 of 130 percent of the federal poverty level and the net income
 93 standard of 100 percent of the federal poverty level.

94 (b) A household that includes one or more members who are
 95 disabled or one or more members who are age 60 or over shall
 96 meet the gross income eligibility standard of 165 percent of the
 97 federal poverty level and the net income standard of 100 percent
 98 of the federal poverty level.

99
 100 The income eligibility standards in this subsection are subject

101 to any changes to the federal regulations governing income
 102 eligibility for food assistance in 7 C.F.R. s. 273.9.

103 (3) LIMITATIONS ON CATEGORICAL ELIGIBILITY.—

104 (a) The department may not expand categorical eligibility
 105 for food assistance beyond those programs federally required in
 106 7 C.F.R. 273.2(j)(2) and (3).

107 (b) Unless expressly required by federal law, the
 108 department shall obtain specific authorization from the
 109 Legislature before seeking, applying for, accepting, or renewing
 110 any waiver for food assistance which expands resource and income
 111 eligibility beyond the limits set forth in this section.

112 Section 4. Section 414.393, Florida Statutes, is created
 113 to read:

114 414.393 Applicant asset verification.—The department shall
 115 implement an asset verification service for the purpose of
 116 determining eligibility for public assistance programs.

117 Section 5. Paragraphs (c) and (d) are added to subsection
 118 (7) of section 445.004, Florida Statutes, and subsection (13) is
 119 added to that section, to read:

120 445.004 CareerSource Florida, Inc.; creation; purpose;
 121 membership; duties and powers.—

122 (7) By December 1 of each year, CareerSource Florida,
 123 Inc., shall submit to the Governor, the President of the Senate,
 124 the Speaker of the House of Representatives, the Senate Minority
 125 Leader, and the House Minority Leader a complete and detailed

126 annual report setting forth:

127 (c) For each local workforce development board,
 128 participant statistics and employment outcomes, by program, for
 129 individuals subject to mandatory work requirements due to
 130 receipt of temporary cash assistance or food assistance under
 131 chapter 414, including:

- 132 1. Individuals served.
- 133 2. Services received.
- 134 3. Activities in which individuals participated.
- 135 4. Types of employment secured.
- 136 5. Individuals securing employment but remaining in each
 137 program.
- 138 6. Individuals exiting programs due to employment.
- 139 7. Employment status at 3 months, 6 months, and 12 months
 140 after exiting the program, for the past 3 years.

141 (d) Interim outcomes of any pilot program implemented by a
 142 local workforce development board selected pursuant to
 143 subsection (13).

144 (13) The Legislature finds that some mandatory work
 145 registrants in the Temporary Cash Assistance Program face
 146 significant barriers to employment, which must be addressed with
 147 services beyond those offered under a traditional workforce
 148 program. To address this problem, CareerSource Florida, Inc., in
 149 consultation with the department, shall implement a pilot
 150 program to increase unsubsidized employment and earned income

151 among such registrants while reducing their reliance on public
 152 assistance. The pilot program may not serve registrants who are
 153 assessed as work ready or who do not face significant barriers
 154 to employment.

155 (a) For the purposes of this subsection, "significant
 156 barriers to employment" means at least one critical barrier or
 157 three or more stand-alone barriers.

158 1. "Critical barriers" include substance abuse, mental
 159 illness, physical or mental disability, domestic violence,
 160 homelessness, and a criminal record affecting employment.

161 2. "Stand-alone barriers" include significant job skill
 162 deficiencies; significant soft-skill deficiencies, such as
 163 communication, time management, and problem-solving skills;
 164 child welfare system involvement; and a negative or nonexistent
 165 employment history.

166 (b) CareerSource Florida, Inc., in consultation with the
 167 department, shall contract with a vendor by October 31, 2017, to
 168 develop the pilot program according to the following guidelines:

169 1. The vendor must have expertise in the design and
 170 development of workforce programs.

171 2. The program design shall be based on the best available
 172 research and shall include, at a minimum:

173 a. A comprehensive assessment to identify significant
 174 barriers to employment, which shall be updated on an ongoing
 175 basis. Such an assessment may collect information about the

176 registrant's educational attainment, level of literacy and
 177 numeracy, basic skills, work experience, receipt of public
 178 benefits, and other indicators of significant barriers.

179 b. An individual responsibility plan based on the
 180 assessment, which includes a comprehensive service strategy to
 181 address barriers to employment, whether sequentially or
 182 simultaneously.

183 c. Intensive case management, including, but not limited
 184 to, ongoing one-on-one guidance, motivation, and support for
 185 registrants by assessing their needs and barriers, identifying
 186 resources, and advising on career and training opportunities.
 187 Intensive case management also includes collaborative work with
 188 community partners to provide comprehensive services to
 189 registrants which are designed to address their barriers and
 190 achieve program goals.

191 3. The program may include other elements to address
 192 significant barriers, such as a combination of job search
 193 assistance, basic skills training, vocational education,
 194 strategies that connect registrants to relevant career
 195 opportunities by supporting their efforts to obtain educational
 196 certificates or industry certification, and transitional
 197 employment subsidies to achieve the desired improvements in
 198 employment and earnings.

199 (c) CareerSource Florida, Inc., in consultation with the
 200 department, shall select at least three local workforce boards

201 to conduct the pilot program based on a board's:
 202 1. Commitment to effectively serve the target population;
 203 2. Established record of innovation in the delivery of
 204 workforce services, preferably to the target population;
 205 3. Existing strong community partnerships, including
 206 partnerships with nonprofit entities and community colleges, to
 207 provide workforce services; and
 208 4. Commitment to implement the program for the target
 209 population while continuing to serve other Temporary Cash
 210 Assistance Program mandatory work registrants.

211 (d) The local workforce boards selected for the pilot
 212 program shall contract with vendors to implement the program.
 213 The local workforce board shall give preference to vendors with
 214 a demonstrated commitment to innovation in providing workforce
 215 services or in serving populations with significant barriers.

216 (e) CareerSource Florida, Inc., shall submit a report to
 217 the Governor, the President of the Senate, and the Speaker of
 218 the House of Representatives by December 15, 2020. The report
 219 shall include the program design; participating entities;
 220 participant demographics, including, but not limited to,
 221 barriers identified; and the case management processes,
 222 assessment processes, and services provided to participants, as
 223 compared to those available under the local workforce board's
 224 traditional workforce program. The report shall also include an
 225 analysis of the effect of the program on participants' barriers

226 to employment, employment outcomes, household income, reliance
 227 on public assistance, and other measures of household well-being
 228 and self-sufficiency.

229 Section 6. For fiscal year 2017-2018, the sum of
 230 \$3,342,525 in recurring funds is appropriated from Federal
 231 Grants Trust Fund to the Department of Children and Families to
 232 contract with a vendor to develop an asset verification service
 233 for public assistance programs pursuant to s. 414.393, Florida
 234 Statutes, as created in this act, and the sum of \$300,000 in
 235 nonrecurring funds is appropriated from the Federal Grants Trust
 236 Fund to the Department of Children and Families to perform the
 237 technology modifications necessary to implement the asset
 238 verification service.

239 Section 7. For fiscal year 2017-2018, the sum of \$500,000
 240 in nonrecurring funds is appropriated from the Federal Grants
 241 Trust Fund to the Department of Economic Opportunity for
 242 distribution to CareerSource Florida, Inc., to contract for
 243 development of a program to serve temporary cash assistance work
 244 registrants with significant barriers to employment pursuant to
 245 this act, including, but not limited to, providing the initial
 246 program design, evaluation design, training curricula
 247 development and delivery of training, implementation oversight,
 248 development of informational materials for participants, and
 249 technical assistance; and for distribution to selected local
 250 workforce boards for startup expenses incurred by vendors

251 implementing the program, including, but not limited to,
252 information technology updates, program coordination, and staff
253 training. Case management and direct services for all temporary
254 cash assistance recipients shall be provided within current
255 resources.

256 Section 8. This act shall take effect July 1, 2017.



Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Children, Families &
 2 Seniors Subcommittee
 3 Representative Willhite offered the following:
 4

Amendment (with title amendment)

6 Between lines 72 and 73, insert:

7 The department shall implement the following resource and income
 8 eligibility standards for all food assistance households for all
 9 initial applications or recertifications for benefits after
 10 January 1, 2018.

11 -----
 12
 13 **T I T L E A M E N D M E N T**

14 Remove line 9 and insert:

15 standards for all initial applications and recertifications
 16 after January 1, 2018; providing resource and income eligibility

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 593 Restrictions on Use of Public Assistance Benefits

SPONSOR(S): Massullo, MD and others

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Children, Families & Seniors Subcommittee		Langston	Brazzell
2) Health Care Appropriations Subcommittee			
3) Health & Human Services Committee			

SUMMARY ANALYSIS

The Supplemental Nutrition Assistance Program (SNAP) offers nutrition assistance to eligible, low-income individuals and families in the form of funds to purchase eligible food. The Food and Nutrition Service (FNS), under the U.S. Department of Agriculture (USDA), administers SNAP, and the Florida Department of Children and Families (DCF) distributes the benefits. In Florida, SNAP and other social welfare benefits are placed on Electronic Benefits Transfer (EBT) cards.

Eligible foods for SNAP are any food or food product intended for human consumption except alcoholic beverages, tobacco, hot foods, and hot food products prepared for immediate consumption, with some exceptions. Eligible foods also include junk foods such as soft drinks and candy.

Junk food is food that is nutrient poor but rich in calories, salt, and fats. Excess consumption of junk foods may lead to nutritional deficiencies and health disorders including obesity, heart disease, high blood pressure, and diabetes. States and local governments have requested permission from the USDA for waivers to prohibit SNAP participants from purchasing junk foods with limited nutritional values with their benefits as a way to promote healthy choices. However, the USDA has denied every such request.

HB 593 prohibits the use of an EBT card for the purchase of soft drinks and candy. The bill also requires DCF to seek permission from the USDA through a waiver to prohibit participants from using SNAP benefits to purchase soft drinks and candy. SNAP participants will still be able to purchase soft drinks and candy with their own funds.

There is no fiscal impact on state or local governments. Retailers that accept EBT cards will incur indeterminate costs to modify their point of sale systems or software to prohibit EBT card users from purchasing soft drinks and candy with their SNAP or TCA benefits.

The bill provides an effective date of July 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Supplemental Nutrition Assistance Program (SNAP)

The Food and Nutrition Service (FNS), under the U.S. Department of Agriculture (USDA), administers the Supplemental Nutrition Assistance Program (SNAP).¹ SNAP offers nutrition assistance to millions² of eligible, low-income individuals and families, in the form of funds to purchase "eligible food," and provides economic benefits to communities by reducing poverty and food insecurity.³ For low-income households, increased spending on food is consistently and positively associated with diet quality and is associated with higher use and intake of both fruits and vegetables.⁴

Various state agencies and entities work together through a series of contracts or memoranda of understanding to administer the SNAP Program in Florida. The Department of Children and Families (DCF) is the state agency that determines and monitors eligibility and disperses benefits to SNAP participants. The federal government funds 100% of the benefit amount.⁵ However, FNS and states share the administrative costs of the program.⁶ Federal laws, regulations, and waivers provide states with various policy options to better target benefits to those most in need, streamline program administration and field operations, and coordinate SNAP activities with those of other programs.⁷ As of

¹ The Food Stamp Program (FSP) originated in 1939 as a pilot program for certain individuals to buy stamps equal to their normal food expenditures: for every \$1 of orange stamps purchased, people received 50 cents worth of blue stamps, which could be used to buy surplus food. The FSP expanded nationwide in 1974. Under the federal welfare reform legislation of 1996, Congress enacted major changes to the FSP, including limiting eligibility for certain adults who did not meet work requirements. The Food and Nutrition Act of 2008 renamed the FSP the Supplemental Nutrition Assistance Program (SNAP) and implemented priorities to strengthen program integrity; simplify program administration; maintain states' flexibility in how they administer their programs; and improve access to SNAP. See *A Short History of SNAP*, UNITED STATES DEPARTMENT OF AGRICULTURE, FOOD AND NUTRITION SERVICE, available at http://www.fns.usda.gov/sites/default/files/History_of_SNAP.pdf (last visited February 21, 2017); and *State Options Report: Supplemental Nutrition Assistance Program*, UNITED STATES DEPARTMENT OF AGRICULTURE FOOD AND NUTRITION SERVICE, (11th ed.), Sept. 2013, available at http://www.fns.usda.gov/sites/default/files/snap/11-State_Options.pdf (last visited February 21, 2017).

² In an average month in Federal Fiscal Year (FFY) 2015, nationally, SNAP provided benefits to 45.2 million people living in 22.3 million households. *Characteristics of Supplemental Nutrition Assistance Program Households: Fiscal Year 2015*, Report No. SNAP-16-CHAR, SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, NUTRITION ASSISTANCE PROGRAM REPORT SERIES, OFFICE OF POLICY SUPPORT, available at <https://www.fns.usda.gov/sites/default/files/ops/Characteristics2015.pdf> (last visited February 21, 2017).

³ For a detailed overview of SNAP, see Randy Alison Aussenberg, *Supplemental Nutrition Assistance Program (SNAP): A Primer on Eligibility and Benefits*, CONGRESSIONAL RESEARCH SERVICE, (Dec. 29, 2014), available at <https://www.fas.org/sgp/crs/misc/R42505.pdf> (last visited February 21, 2017).

⁴ *Food Expenditures and Diet Quality Among Low-Income Households and Individuals*, UNITED STATES DEPARTMENT OF AGRICULTURE FOOD AND NUTRITION SERVICE, July 2010, available at https://www.fns.usda.gov/sites/default/files/FoodExpendDietQuality_Summary.pdf (last visited February 21, 2017).

⁵ For FFY 2016, the maximum benefit amount is \$649 for a family of four, with an average benefit amount of \$471. *Policy Basics: Introduction to the Supplemental Nutrition Assistance Program (SNAP)*, CENTER FOR BUDGET AND POLICY PRIORITIES (Updated Mar. 24, 2016), available at <http://www.cbpp.org/sites/default/files/atoms/files/policybasics-foodstamps.pdf> (last visited February 21, 2017).

⁶ In FFY 2015, FNS issued \$5,688,711,691 of benefits to Florida participants; the state share of administrative costs for Florida was \$86,726,922 and the federal share of administrative costs for Florida was \$80,997,415. *Supplemental Nutrition Assistance Program, State Activity Report: Fiscal Year 2015*, FOOD AND NUTRITION SERVICE, SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM: PROGRAM ACCOUNTABILITY AND ADMINISTRATION DIVISION, August 2016, available at <http://www.fns.usda.gov/sites/default/files/snap/2015-State-Activity-Report.pdf> (last visited February 21, 2017).

⁷ *State Options Report: Supplemental Nutrition Assistance Program*, UNITED STATES DEPARTMENT OF AGRICULTURE FOOD AND NUTRITION SERVICE, (11th ed.), Sept. 2013, available at http://www.fns.usda.gov/sites/default/files/snap/11-State_Options.pdf (last visited February 21, 2017).

November 30, 2016, 3,331,377 individuals, including 1,837,913 children and 853,843 elderly or disabled individuals, were enrolled in SNAP in Florida.⁸

Eligible Foods

The Food and Nutrition Act of 2008 defines eligible food under SNAP as any food or food product intended for human consumption except alcoholic beverages, tobacco, hot foods, and hot food products prepared for immediate consumption, with some exceptions.⁹ Nonfood items such as pet foods, soaps, paper products, medicines and vitamins, household supplies, grooming items, and cosmetics are ineligible for purchase with SNAP benefits.¹⁰ Eligible foods include junk foods such as soft drinks and candy.¹¹

When considering the eligibility of vitamins and supplements, power bars, energy drinks and other branded products, the primary determinant is the type of product label chosen by the manufacturer to conform to Food and Drug Administration (FDA) guidelines:

- Items that carry a nutrition facts label are eligible foods.
- Items that carry a supplement facts label are classified by the FDA as supplements and are therefore not eligible.¹²

Foods Purchased By SNAP Households

In 2011, SNAP participants redeemed over \$71 billion in SNAP benefits in more than 230,000 SNAP-authorized stores.¹³ Based on data from these purchases, the USDA published a study on the types of foods SNAP households typically purchase as compared to non-SNAP households.¹⁴

With respect to SNAP households, the data represents all food purchases made rather than only the foods purchased specifically with SNAP benefits.¹⁵ The data could not differentiate between items purchased with SNAP benefits and those purchased with other funds; most SNAP households use a combination of SNAP benefits and their own funds when making their food purchases.

The study found that the expenditure patterns of SNAP and non-SNAP households were similar:

- Approximately 40 cents of every dollar of food expenditures were spent on basic items such as meat, fruits, vegetables, milk, eggs, and bread.
 - 41 cents of every dollar for SNAP households.
 - 44 cents of every dollar for non-SNAP households.
- Approximately 20 cents out of every dollar were spent on sweetened beverages, desserts, salty snacks, candy and sugar.
 - 23 cents of every dollar for SNAP households.
 - 20 cents of every dollar for non-SNAP households.

⁸ Presentation to Children, Families, and Seniors Subcommittee on January 12, 2017 (PowerPoint on file with Children, Families, and Seniors Subcommittee staff).

⁹ 7 USC § 2012(k); see also 7 CFR § 271.2.

¹⁰ Id.

¹¹ For an explanation of the inclusion of "junk food" and luxury items as eligible foods, see UNITED STATES DEPARTMENT OF AGRICULTURE FOOD AND NUTRITION SERVICE, *Supplemental Nutrition Assistance Program (SNAP) Eligible Food Items*, <https://www.fns.usda.gov/snap/eligible-food-items> (last visited February 21, 2017).

¹² *Determining Product Eligibility for Purchase with SNAP Benefits*, UNITED STATES DEPARTMENT OF AGRICULTURE FOOD AND NUTRITION SERVICE, Jan. 26, 2017, available at <https://www.fns.usda.gov/sites/default/files/eligibility.pdf> (last visited February 21, 2017).

¹³ *Supplemental Nutrition Assistance Program 2011 Annual Report*, UNITED STATES DEPARTMENT OF AGRICULTURE FOOD AND NUTRITION SERVICE, 2011, available at <https://www.fns.usda.gov/sites/default/files/snap/2011-annual-report.pdf> (last visited February 21, 2017).

¹⁴ *Foods Typically Purchased by Supplemental Nutrition Assistance Program (SNAP) Households*, UNITED STATES DEPARTMENT OF AGRICULTURE FOOD AND NUTRITION SERVICE, Nov. 2016, available at <https://www.fns.usda.gov/sites/default/files/ops/SNAPFoodsTypicallyPurchased.pdf> (last visited February 21, 2017).

¹⁵ Id.

- Approximately 40 cents of every dollar were spent on a variety of items such as cereal, prepared foods, dairy products, rice, and beans.¹⁶

There were no major differences in the expenditure patterns of SNAP and non-SNAP households, no matter how the data were categorized.¹⁷

Expenditures by Summary Category for SNAP and Non-SNAP Households in 2011¹⁸

Summary Category	SNAP Household Expenditures			Non-SNAP Household Expenditures		
	Rank	\$ (millions)	% of total	Rank	\$ (millions)	% of total
Meat, Poultry and Seafood	1	\$1,262.90	19.2%	1	\$5,016.30	15.9%
Sweetened Beverages	2	\$608.70	9.3%	5	\$2,238.80	7.1%
Vegetables	3	\$473.40	7.2%	2	\$2,873.90	9.1%
Frozen Prepared Foods	4	\$455.20	6.9%	8	\$1,592.30	5.1%
Prepared Desserts	5	\$453.80	6.9%	6	\$2,021.20	6.4%
High Fat Dairy/Cheese	6	\$427.80	6.5%	3	\$2,483.20	7.9%
Bread and Crackers	7	\$354.90	5.4%	7	\$1,978.20	6.3%
Fruits	8	\$308.20	4.7%	4	\$2,271.20	7.2%
Milk	9	\$232.70	3.5%	9	\$1,211.00	3.8%
Salty Snacks	10	\$225.60	3.4%	10	\$969.70	3.1%

The top 10 summary categories and the top seven commodities by expenditure were the same for SNAP and non-SNAP households, although ranked in slightly different orders.¹⁹ Less healthy food items were common purchases for both SNAP and non-SNAP households; sweetened beverages, prepared desserts and salty snacks were among the top 10 summary categories for both groups.²⁰

SNAP and non-SNAP households also had similar expenditures for solid fats and added sugars, which are broken down into three subcategories: butter/cream/solid fats, candy/sweets, and sweetened beverages.²¹ As a share of total expenditures for solid fats and added sugars, SNAP participants spent more on sweetened beverages and non-SNAP households spent more on the butter/cream/solid fats and candy/sweets.²²

These results were similar to previous research conducted by the USDA evaluating the diets of SNAP participants as compared to nonparticipants, which found that SNAP participants were more likely than of nonparticipants to choose any soda and more likely to choose non-diet soda but were less likely to choose sweets and desserts, salty snacks, or to add fats and oils to foods.²³ That same study also found that SNAP participants obtained a slightly larger share of their energy from empty calories, such as junk foods, than both low-income nonparticipants and higher income individuals.²⁴

¹⁶ Id.

¹⁷ Id.

¹⁸ *Foods Typically Purchased by Supplemental Nutrition Assistance Program (SNAP) Households – Summary*, UNITED STATES DEPARTMENT OF AGRICULTURE FOOD AND NUTRITION SERVICE, Nov. 2016, available at <https://www.fns.usda.gov/sites/default/files/ops/SNAPFoodsTypicallyPurchased-Summary.pdf> (last visited February 21, 2017).

¹⁹ *Supra*, note 14.

²⁰ Id.

²¹ Fruit drinks that are over 50% juice are categorized as fruits. All fruit drinks that are less than 50% juice are categorized as “sweetened beverages.”

²² *Supra*, note 14.

²³ *Diet Quality of Americans by SNAP Participation Status: Data from the National Health and Nutrition Examination Survey, 2007–2010*, UNITED STATES DEPARTMENT OF AGRICULTURE FOOD AND NUTRITION SERVICE, May 2015, available at <https://www.fns.usda.gov/sites/default/files/ops/NHANES-SNAP07-10.pdf> (last visited February 20, 2017).

²⁴ Id. 34% of SNAP participants as compared to 32% of nonparticipants.

Effects of “Junk Foods” on Health

Junk food is food that is nutrient poor but rich in calories, salt, and fats.²⁵ In recent decades, junk food consumption in the United States has increased dramatically, with 25% of people now consuming predominantly junk food diets.²⁶ Excess consumption of junk foods may lead to rise to nutritional deficiencies and health disorders, including obesity, heart disease, high blood pressure, and diabetes.²⁷

Junk food intake is associated with increased body mass index and weight gain.²⁸ High fat content and added sugar in junk food is a major contributor to weight gain. Junk food in children's diets accounts for 187 extra calories per day, leading to six additional pounds of weight gain per year.²⁹ Also, one additional sweetened beverage a day can add on 15 pounds in a year, not only because the drinks themselves add calories, but also because those calories are not as satisfying as those from nutritious solid foods.³⁰

Additionally, the high fat and sugar contents of junk foods contribute to other health problems. The trans fat in junk foods may predispose children to risk of future heart disease,³¹ and the dense sugar content in junk food can cause as much damage to the kidneys as diabetes.³² The high levels of sugar in junk food also put the metabolism under stress, requiring the pancreas to secrete high amounts of insulin to prevent a dangerous spike in blood sugar levels.³³

Junk food is also high in sodium, which increases blood pressure and forces the kidneys to work harder.³⁴ High blood pressure is a leading cause of stroke, heart attack, heart failure, kidney disease, and more.³⁵ Consuming excess salt contributed to 2.3 million deaths from heart attacks, strokes, and other heart-related diseases worldwide in 2010.³⁶ In the United States, 429 deaths per million adults are attributed to consuming excess sodium, representing one in ten deaths due to these causes.³⁷

²⁵ Geeta Arya and Sunita Mishra, *Effects of Junk Food & Beverages on Adolescent's Health – a Review Article*, IOSR JOURNAL OF NURSING AND HEALTH SCIENCE, 2320–1940 Volume 1, Issue 6 (Jul – Aug 2013), pp. 26-32, available at https://www.researchgate.net/publication/257536304_Effects_of_junk_food_and_beverages_on_adolescents_health_A_review_article (last visited February 21, 2017).

²⁶ SF GATE, *Reasons Eating Junk Food Is Not Good*, <http://healthyeating.sfgate.com/reasons-eating-junk-food-not-good-3364.html> (last visited February 21, 2017).

²⁷ *Supra*, note 25.

²⁸ *Id.*

²⁹ *Supra*, note 26.

³⁰ *Which foods don't belong in a healthy diet?* HARVARD HEALTH PUBLICATIONS, Oct. 28, 2016, <http://www.health.harvard.edu/staying-healthy/which-foods-dont-belong-in-a-healthy-diet> (last visited February 21, 2017).

³¹ *Supra*, note 25.

³² Havovi Chichger, Mark E. Cleasby, Surjit K. Srail, Robert J. Unwin, Edward S. Debnam, and Joanne Marks. *Experimental type II diabetes and related models of impaired glucose metabolism differentially regulate glucose transporters at the proximal tubule brush border membrane*. EXPERIMENTAL PHYSIOLOGY, 2016.

³³ *Supra*, note 25.

³⁴ Daniel Pendick, *Sodium still high in fast food and processed foods*, HARVARD HEALTH PUBLICATIONS, May 6, 2013, <http://www.health.harvard.edu/blog/sodium-still-high-in-fast-food-and-processed-foods-201305166267> (last visited February 21, 2017).

³⁵ *Id.*

³⁶ AMERICAN HEART ASSOCIATION, *Eating too much salt led to nearly 2.3 million heart-related deaths worldwide in 2010*, Mar. 21, 2013, <http://newsroom.heart.org/news/eating-too-much-salt-led-to-nearly-2-3-million-heart-related-deaths-worldwide-in-2010> (last visited February 21, 2017).

³⁷ *Id.*

Restricting SNAP Eligible Foods

States and local governments have proposed prohibiting SNAP participants from purchasing foods with limited nutritional values with their benefits as a mechanism to promote healthy choices; however, the USDA has identified four key problems with the rationale, feasibility, and potential effectiveness of these proposals:³⁸

- No clear standards exist for defining foods as good or bad, or healthy or not healthy;
- Implementation of food restrictions would increase program complexity and costs;
- Restrictions may be ineffective in changing the purchases of food stamp participants; and
- No evidence exists that food stamp participation contributes to poor diet quality or obesity.³⁹

The USDA notes that it is difficult to draw a bright line between foods that contribute to a healthy diet and those that do not; the Dietary Guidelines for Americans, MyPyramid, the American Dietetic Association, and most nutritionists take a total diet approach to communicate healthful eating advice, placing emphasis on the overall pattern of food eaten, rather than any one food or meal.⁴⁰ The USDA also asserts that it is unclear whether “healthy” foods should be characterized by the absence of nutrients to be avoided, the presence of desirable nutrients, or a combination of both.⁴¹ It goes on to note that diet sodas, for example, may pass a test based only on the absence of undesirable nutrients – they have no fat or sugars, are low in calories, and contain little sodium – and based on those criteria alone, they would appear preferable to orange juice.⁴²

The USDA argues that even if decisions could be made that distinguish allowable foods from restricted foods, there are still difficult implementation challenges, stemming from the enormous variety and scale of the American food sector; a typical supermarket carries about 40,000 products on its shelves and there are more than 300,000 food products available in the marketplace nationwide.⁴³ This creates three types of administrative and implementation problems:

- Identifying, evaluating, and tracking the nutritional profile of every food product or category available for purchase would be a significant expansion of government responsibility and associated bureaucracy, at a significant cost.
- New restrictions on the use of food stamps place the burden of enforcing compliance on the retailers and participants, who would need to be informed about what foods are no longer allowable.
- Expanding the pool of ineligible items increases opportunities for non-compliance, expands the need for oversight, and may increase the number of retailers or participants found in violation of program rules.⁴⁴

Additionally, the USDA argues that it is not clear that a limit on the acceptable uses of food stamp benefits would actually change the nutrition profile of food purchases because SNAP participants could continue to purchase any food they want using their own money.⁴⁵ The USDA also states that the body of research on SNAP does not support the view that restricting food choices will result in more healthful food purchases and consumption or improved dietary outcomes.⁴⁶ Instead, it notes that research clearly indicates that participation in the program increases household spending on food.⁴⁷

³⁸ *Implications of Restricting the Use of Food Stamp Benefits – Summary*, UNITED STATES DEPARTMENT OF AGRICULTURE FOOD AND NUTRITION SERVICE, Mar. 1, 2007, available at <https://www.fns.usda.gov/sites/default/files/arra/FSPFoodRestrictions.pdf> (last visited February 17, 2017).

³⁹ Id.

⁴⁰ Id.

⁴¹ Id.

⁴² Id.

⁴³ Id.

⁴⁴ Id.

⁴⁵ Id.

⁴⁶ Id.

⁴⁷ Id.

Finally, the USDA asserts that achieving dietary improvement among SNAP participants is a complex challenge that is not likely to be met by prohibiting use of benefits for a group of foods perceived as having limited nutritional value.⁴⁸

USDA has denied every request from states and local governments to implement waivers that would allow them to adopt their own standards for allowable foods under SNAP.⁴⁹ In rejecting them, the USDA has noted that state options are problematic because there is no scientific basis for allowing nutrition standards to vary from place to place and that variation in state requirements would complicate industry compliance and increase the cost of doing business.⁵⁰

Electronic Benefits Transfer (EBT) Card Program

Electronic Benefits Transfer (EBT) is an electronic system that allows a recipient to authorize transfer of their government benefits, including from the SNAP and Temporary Cash Assistance (TCA)⁵¹ programs, to a retailer account to pay for products received.⁵² The EBT card program is administered on the federal level by the USDA and at the state level by DCF. In Florida, benefits are deposited into a TCA or SNAP account each month; these benefits are accessed using the Florida EBT Automated Community Connection to Economic Self Sufficiency (ACCESS) card.

⁴⁸ Id.

⁴⁹ In 2004, and a number of times since, Minnesota sought a waiver to prevent the purchase of junk food with SNAP benefits. The USDA denied the waiver, which focused on candy and soda, among other foods, stating that it was based on questionable merits. Then, in 2010, New York City sought a federal waiver to prohibit the purchase of soda and other sweetened beverages with SNAP benefits for two years. Anemona Hartocollis, *New York Asks to Bar Use of Food Stamps to Buy Sodas*, THE NEW YORK TIMES, Oct. 6, 2010, available at <http://www.nytimes.com/2010/10/07/nyregion/07stamps.html> (last visited February 21, 2017). Since 2013, the USDA has denied Maine's repeated requests to ban the purchase of junk foods with SNAP benefits. At one point last year, Maine's Governor threatened to implement reform unilaterally or cease the state's administration of the program if the USDA did not allow it to restrict purchases. PORTLAND PRESS HERALD, *Gov. LePage's threat risks suspension of food stamp assistance*, <http://www.pressherald.com/2016/06/21/spokesperson-says-gov-lepage-has-threatened-to-end-food-stamp-program/document/> (last visited February 21, 2017). In light of administration changes at the federal level, Maine's Department of Health and Human Services Commissioner has stated that she will once again ask for a waiver to ban soda and junk food purchases with SNAP benefits. PORTLAND PRESS HERALD, *Maine to ask Trump to allow ban on junk food purchases with food stamps*, <http://www.pressherald.com/2017/01/24/maine-to-ask-trump-administration-to-allow-ban-on-junk-food-purchases-with-food-stamps/> (last visited February 21, 2017). This year Tennessee and Arkansas introduced legislation seeing to prohibit junk food purchases with SNAP benefits; however, the Arkansas bill has already died. See, Arkansas House Bill 1035 (2017), available at <http://www.arkleg.state.ar.us/assembly/2017/2017R/Bills/HB1035.pdf> (last visited February 21, 2017); Bobby Ampezzan, *Junk Food Ban For Food Stamps Dies Senate Committee Death*, KASU, Feb. 9, 2017, <http://kasu.org/post/junk-food-ban-food-stamps-dies-senate-committee-death> (last visited February 21, 2017); and Tennessee House Bill 0043 (2017), available at <http://www.capitol.tn.gov/Bills/110/Bill/HB0043.pdf> (last visited February 21, 2017) (the bill in Tennessee would also impose a fine on SNAP participants and retailers that violate the law of \$1,000 for a first offense, \$2,500 for a second offense and up to \$5,000 for a third or more offense in a five-year period).

⁵⁰ *Supra*, note 38.

⁵¹ The TCA Program is part of the Temporary Assistance to Needy Families (TANF) program and provides cash assistance to families with children that meet the technical, income, and asset requirements. The purpose of the TCA Program is to help families become self-supporting while allowing children to remain in their own homes.

⁵² UNITED STATES DEPARTMENT OF AGRICULTURE, FOOD AND NUTRITION SERVICES, *EBT: General Electronic Benefit Transfer (EBT) Information*, <http://www.fns.usda.gov/ebt/general-electronic-benefit-transfer-ebt-information> (last visited February 21, 2017).

Prohibited Usage

The Middle Class Tax Relief and Job Creation Act of 2012 required states receiving TANF to create policies and practices as necessary to prevent assistance provided under the program from being used in any EBT transaction in liquor stores; casinos, gambling casinos, or gaming establishments; and retail establishments that provide adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment.⁵³ In 2013, Florida enacted legislation⁵⁴ that prohibits EBT cards from being accepted at the following locations or for the following activities:

- The purchase of an alcoholic beverage as defined in s. 561.01, F.S., and sold pursuant to the Florida Beverage Law;
- An adult entertainment establishment, as defined in s. 847.001, F.S.;
- A pari-mutuel facility, as defined in s. 550.02, F.S.;
- A slot machine facility, as defined in s. 551.102, F.S.;
- A commercial bingo facility that operates outside the provisions of s. 849.0931, F.S.; and
- A casino, gaming facility, or Internet café, including gaming activities authorized under part II of chapter 285.⁵⁵

Effect of the Bill

HB 593 prohibits the use of an EBT card for the purchase of soft drinks and candy.

The bill also requires DCF to seek a waiver from the USDA to prohibit participants from using SNAP benefits to purchase soft drinks and candy. Currently, soft drinks and candy are allowable foods under SNAP; therefore, it will be necessary for DCF to obtain a waiver from the USDA before it may prohibit the purchase of either item with SNAP benefits or an EBT card.

SNAP participants will still be able to purchase soft drinks and candy with their own funds.

B. SECTION DIRECTORY:

Section 1: Amends s. 402.82, F.S., relating to electronic benefits transfer program.

Section 2: Creates s. 414.457, F.S., relating to Supplemental Nutrition Program; purchase of soft drinks and candy prohibited.

Section 3: Provides an effective date of July 1, 2017.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

⁵³ P.L. 112-96. Section 4004.

⁵⁴ S. 1, chapter 2013-88, Laws of Florida.

⁵⁵ S. 402.82(4), F.S.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

SNAP participants will no longer be able to use their SNAP benefits to purchase soft drinks and candy. Additionally, TCA recipients will no longer be able to use their TCA benefits or their EBT cards to purchase soft drinks and candy. They will still be able to purchase these items with other funds.

Retailers that accept EBT cards will incur indeterminate costs to modify their point of sale systems or software to prohibit EBT card users from purchasing soft drinks and candy with their SNAP or TCA benefits.⁵⁶

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

⁵⁶ Department of Children and Families, Agency Analysis of 2017 House Bill 593 (February 9, 2017)(on file with Children, Families, and Seniors Subcommittee staff).

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A bill to be entitled
 An act relating to restrictions on use of public
 assistance benefits; amending s. 402.82, F.S.;
 prohibiting use of electronic benefits transfer cards
 to purchase soft drinks or candy; creating s. 414.457,
 F.S.; directing the Department of Children and
 Families to request a waiver to prohibit use of
 Supplemental Nutrition Assistance Program benefits to
 purchase soft drinks or candy; providing an effective
 date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (4) of section 402.82, Florida
 Statutes, is amended to read:

402.82 Electronic benefits transfer program.—

(4) Use or acceptance of an electronic benefits transfer
 card is prohibited at the following locations or for the
 following activities:

(a) The purchase of an alcoholic beverage as defined in s.
 561.01 and sold pursuant to the Beverage Law.

(b) The purchase of soft drinks or candy.

(c) ~~(b)~~ An adult entertainment establishment as defined in
 s. 847.001.

(d) ~~(e)~~ A pari-mutuel facility as defined in s. 550.002.

26 ~~(e)(d)~~ A slot machine facility as defined in s. 551.102.

27 ~~(f)(e)~~ A commercial bingo facility that operates outside
 28 the provisions of s. 849.0931.

29 ~~(g)(f)~~ A casino, gaming facility, or gambling facility, or
 30 any gaming activities authorized under part II of chapter 285.

31 Section 2. Section 414.457, Florida Statutes, is created
 32 to read:

33 414.457 Supplemental Nutrition Assistance Program;
 34 purchases of soft drinks and candy prohibited.—The department
 35 shall seek a waiver of federal requirements established under
 36 the Supplemental Nutrition Assistance Program, 7 U.S.C. ss. 2011
 37 et seq., to prohibit persons from using SNAP benefits to
 38 purchase soft drinks or candy.

39 Section 3. This act shall take effect July 1, 2017.
 40



Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Children, Families &
2 Seniors Subcommittee
3 Representative Massullo offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
7 Section 1. Section 414.457, Florida Statutes, is created
8 to read:

9 414.457 Supplemental Nutrition Assistance Program;
10 purchases of soft drinks and candy prohibited.—The department
11 shall seek a waiver of federal requirements established under
12 the Supplemental Nutrition Assistance Program, 7 U.S.C. ss. 2011
13 et seq., to prohibit persons from using SNAP benefits to
14 purchase soft drinks or candy. If the request for a waiver is
15 denied, the department shall renew its request annually until a
16 waiver is granted.

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Amendment No.

17 (1) For the purpose of this section, a soft drink is a
18 flavored carbonated beverage that is sweetened with natural or
19 artificial sweeteners.

20 (2) For the purpose of this section, a candy is a food of
21 minimal nutritional value, made predominantly from natural or
22 artificial sweeteners which characterize the following types:

23 (a) Hard candies.

24 (b) Chocolates and candy bars.

25 (c) Jellies and gums.

26 (d) Marshmallow candies.

27 (e) Fondant.

28 (f) Licorice.

29 (g) Spun Candy.

30 (h) Caramels.

31 (i) Candy-coated popcorn.

32 Section 2. This act shall take effect July 1, 2017.

33
34 -----
35 **T I T L E A M E N D M E N T**

36 Remove everything before the enacting clause and insert:

37 An act relating to restrictions on use of public assistance
38 benefits; creating s. 414.457, F.S.; directing the Department of
39 Children and Families to request a waiver to prohibit use of
40 Supplemental Nutrition Assistance Program benefits to purchase
41 soft drinks or candy; directing the Department of Children and



Amendment No.

42 Families, if the waiver is denied, to request annually until it
43 is approved; providing an effective date.

44

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB CFS 17-01 Child Welfare Block Grant
SPONSOR(S): Children, Families & Seniors Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Children, Families & Seniors Subcommittee		Brazzell	Brazzell

SUMMARY ANALYSIS

PCB CFS 17-01 is a memorial to the U.S. Congress requesting the establishment of a child welfare block grant in lieu of federal Title IV-E funding for child welfare.

Title IV-E of the Social Security Act provides entitlement funding for out-of-home services for certain children eligible due to family income, placement setting, and vulnerability to maltreatment as well as for certain related purposes. However, Florida currently has a waiver to allow it instead to receive Title IV-E funding as a capped allocation and distribute it to community-based care lead agencies providing child welfare services, which may then use that funding for a wider array of services than otherwise allowed. This waiver expires September 30, 2018, and federal law bars the operation of any Title IV-E waiver projects after September 30, 2019, which means Florida will have to revert to meeting more restrictive federal requirements for Title IV-E funding in the near future.

The memorial details desired elements for a child welfare block grant, including that it give states flexibility to provide an expanded array of community-based programs and supports to children who are in or at risk of entering out-of-home placement, and their families, and that eligibility be broadened to any child in need. The bill also addresses how total funding should be determined.

The memorial also directs that copies of the memorial be provided to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

Legislative memorials are not subject to the Governor's veto power and are not presented to the Governor for review. Memorials have no force of law, as they are mechanisms for formally petitioning the federal government to act on a particular subject.

The proposed memorial does not have a fiscal impact on state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background:

Child Welfare System

The child welfare system identifies families whose children are in danger of suffering or have suffered abuse, abandonment, or neglect and works with those families to address the problems that are endangering children, if possible. If the problems cannot be ameliorated, the child welfare system finds safe out-of-home placements for such children, such as relative and non-relative caregivers, foster families, or adoptive families.

To serve families and children, the Department of Children and Families (DCF) contracts for foster care and related services with lead agencies, also known as community-based care organizations (CBCs). The transition to outsourced provision of child welfare services was intended to increase local community ownership of service delivery and design.¹ DCF, through the CBCs, administers a system of care for children² to:

- Prevent children's separation from their families;
- Intervene to allow children to remain safely in their own homes;
- Reunify families who have had children removed from their care, if possible and appropriate;
- Ensure safety and normalcy for children who are separated from their families;
- Enhance the well-being of children through educational stability and timely health care;
- Provide permanency; and
- Develop their independence and self-sufficiency.

As of November 30, 2016, 12,288 children were receiving services in their home, while 23,737 children were in out-of-home care.³ Out-of-home placements range from temporary placement with a family member to a family foster home to a residential child-caring agency to a permanent adoptive placement with a family previously unknown to the child.⁴

Florida uses funds from a variety of sources for child welfare services, such as the Social Services Block Grant, the Temporary Assistance to Needy Families block grant, Title XIX Medicaid administration, Title IV-B, Title IV-E, various other child welfare grants, and general revenue.

Title IV-E Funding for Child Welfare

While states bear primary responsibility for child welfare, Congress appropriates funds to states through a variety of funding streams for services to children who have suffered maltreatment. One of these funding streams is Title IV-E of the Social Security Act. Title IV-E provides federal reimbursement to states for a portion of the cost of foster care, adoption assistance, and (in states electing to provide this kind of support) kinship guardianship assistance on behalf of each child who meets federal eligibility criteria. Title IV-E also authorizes funding to support services to youth who "age out" of foster care, or are expected to age out without placement in a permanent family. While Title IV-E funding is an entitlement, eligibility is limited to those children who:

- Are from a home with very low income (less than 50% of federal poverty level in most states),

¹ DEPARTMENT OF CHILDREN AND FAMILIES, *Community-Based Care*, <http://www.myflfamilies.com/service-programs/community-based-care> (last accessed January 28, 2017).

² S. 409.145(1), F.S.

³ DEPARTMENT OF CHILDREN AND FAMILIES, *Child Welfare Key Indicators Monthly Report*, December 2016, p. 23, available at http://www.centerforchildwelfare.org/qa/cwkeyindicator/KI_Monthly_Report_December_2016_v2.pdf (last accessed February 19, 2017).

⁴ S. 409.175, F.S.

- Have been determined by a judge to need to be in care,
- Are living in a licensed family foster home or a “child care institution”, and
- Be under 18 years old, unless the state has included older youth in its Title IV-E plan.

A Congressional Research Service analysis estimates that less than half of the children in foster care met Title IV-E foster care eligibility criteria.

Eligible Title IV-E expenditures include:

- Foster care maintenance payments (for the child's room and board);
- Caseworker time to perform required activities on behalf of eligible children in foster care or children at imminent risk of entering foster care (e.g., finding a foster care placement for a child and planning services needed to ensure a child does not need to enter care, is reunited with his or her parents, has a new permanent home, or is otherwise prepared to leave foster care);
- Program-related data system development and operation, training, and recruitment of foster care providers; and
- Other program administration costs.

The federal government pays a share of these costs ranging from 50-83%, depending on the nature of the expenditure, and additionally in regard to foster care maintenance payments, the state's per capita income.⁵

Title IV-E Waivers

In 1994, Congress authorized the U.S. Department of Health and Human Services (HHS) to approve State demonstration projects made possible by waiving certain provisions of Title IV-E. This provided states flexibility in using federal funds for services promoting safety, well-being, and permanency for children in the child welfare system.⁶ HHS may waive compliance with standard Title IV-E requirements and instead allow states to establish projects that allow them to serve children and provide services that are not typically eligible. To do so, states must enter into an agreement with the federal government outlining the terms and conditions to which the state will adhere in using the federal funds. The states also agree to evaluate the projects.⁷ Currently 26 states have approved projects, including Florida.⁸

Florida's Title IV-E Waivers

Florida's original Title IV-E waiver was initially effective October 1, 2006, and was to extend for five years. Key features of the waiver were:

- A capped allocation of funds, similar to a block grant, distributed to community-based care lead agencies for service provision;
- Flexibility to use funds for a broader array of services beyond out-of-home care; and
- Ability to serve children who did not meet Title IV-E criteria.⁹

The original waiver tested the hypotheses that under this approach:

- An expanded array of community-based care services would become available,
- Fewer children would need to enter out-of-home care,
- Child outcomes would improve, and

⁵ Emelie Stoltzfus, *Child Welfare: An Overview of Federal Programs and their Current Funding*, CONGRESSIONAL RESEARCH SERVICE, January 10, 2017, p. 13-15, available at <https://fas.org/sgp/crs/misc/R43458.pdf> (last accessed February 19, 2017).

⁶ Amy C. Vargo et al., *Final Evaluation Report, IV-E Waiver Demonstration Evaluation, SFY 11-12*, March 15, 2012, p. 5, available at <http://www.centerforchildwelfare.org/kb/LegislativeMandatedRpts/IV-EWaiverFinalReport3-28-12.pdf> (last accessed February 19, 2017).

⁷ 42 U.S.C. §1320a-9(f).

⁸ *Supra* note 5, at 15.

⁹ *Supra* note 6, at 5-6.

- Out-of-home care costs would decrease while expenditures for in-home and preventive services would increase.

Results indicated that the waiver generally achieved these goals, though evaluators noted areas of improvement available regarding the ongoing assessment of fathers' needs; assessment of children's dental, educational, and physical health needs and provision of needed services; frequency of case manager visits with parents; and engagement of fathers in services.¹⁰

The federal government extended Florida's original waiver to 2014, then approved a renewal retroactively beginning October 1, 2013. The renewal is authorized until September 30, 2018. The renewal waiver's terms and conditions include the following goals:

- Improving child and family outcomes through flexible use of Title IV-E funds;
- Providing a broader array of community-based services and increasing the number of children eligible for services; and
- Reducing administrative costs associated with the provision of child welfare services by removing current restrictions on title IV-E eligibility and on the types of services that may be paid for using Title IV-E funds.¹¹

Like the original waiver, the renewal waiver also involves a capped allocation of funds, flexibility to use funds for a wider array of services, and expanded eligibility for children.¹² The renewal waiver is also being evaluated by the University of South Florida.¹³ Florida will expend an estimated \$182 million in Title IV-E waiver funds in 2016-17, about 15% of total child welfare spending.¹⁴

Sunset of Waiver and Non-Renewal

As stated above, Florida's waiver is due to end September 30, 2018. Additionally, federal law prohibits the federal government from establishing new waivers or allowing current waivers to operate after September 30, 2019.¹⁵ Thus Florida will revert to more restrictive Title IV-E federal funding requirements beginning in 2018, or in 2019 if the waiver is renewed for an additional year.

Child and Family Services Review

HHS, through the Children's Bureau, conducts periodic Child and Family Services Reviews in each state. As authorized by federal law, these reviews assess states' compliance with the federal requirements for child welfare systems in Title IV-B and Title IV-E of the Social Security Act. In particular, the Children's Bureau examines whether desired child outcomes are being achieved and whether the child welfare system is structured appropriately and its processes operate effectively.

In two previous rounds of reviews¹⁶, no state was assessed as meeting all requirements.¹⁷ The third round began in 2015 and involves a comprehensive analysis of the child welfare system comprising a

¹⁰ Id. at 2-3.

¹¹ *Demonstration Project Terms and Conditions*, p. 4, available at <http://www.centerforchildwelfare.org/kb/GenIVE/WaiverTErms2013-2018.pdf> (last accessed February 18, 2017).

¹² *Waiver Authority*, p.1, available at <http://www.centerforchildwelfare.org/kb/GenIVE/WaiverTErms2013-2018.pdf> (last accessed February 18, 2017).

¹³ *Title IV-E Child Welfare Waiver Demonstration Project for the State of Florida Initial Design and Evaluation Report*, p. 42, available at <http://www.centerforchildwelfare.org/kb/GenIVE/IV-E-%20Initial%20Design%20and%20Implementation%20Report.pdf> (last accessed February 19, 2017).

¹⁴ Department of Children and Families, *Child Welfare Funding Basics for Florida in Light of Our Title IV-E Demonstration Waiver and the Family First Prevention Services Act of 2016 - HR 5456*, presented at the Florida Coalition for Children Foundation's 2016 Annual Conference, on file with Children, Families and Seniors Subcommittee staff.

¹⁵ 42 U.S.C. § 1320a-9(d)(2).

¹⁶ U.S. Department of Health and Human Services, *Children's Bureau Fact Sheet: Child and Family Services Reviews*, available at https://www.acf.hhs.gov/sites/default/files/cb/cfsr_general_factsheet.pdf (last accessed February 19, 2017). Note that because of

statewide assessment, interviews, focus groups, and reviews of 80 cases. Through this analysis, the Children's Bureau rates whether a state is in "substantial conformity" with each outcome or systemic factor. For a state to be in substantial conformity with a particular outcome, 95% or more of the cases reviewed must be rated as having substantially achieved the outcome. The substantial conformity assessment for the systemic factors considers information from the statewide assessment, interviews, and focus groups.¹⁸

The report summarizing Florida's results was issued in late 2016. The report indicated that Florida was not in substantial conformity of any of the 7 outcomes but was in substantial conformity with 3 of 7 systemic factors, including:

- Quality assurance system,
- Staff and provider training, and
- Agency responsiveness to the community.¹⁹

As the reviews are currently in progress, only 9 states have a Final State Report for Round 3 posted to the Children's Bureau website.²⁰ As in the case with the previous two rounds of reviews, no state has met requirements for all outcomes or systemic factors. Four states achieved were in substantial conformity with only one outcome, while the rest were not in substantial conformity with any of them. States met between 0 and 4 systemic factors.²¹

Once a state's review is complete, the state formulates a Performance Improvement Plan to address those outcomes and systemic factors not in substantial conformity.²² Florida is currently developing its Performance Improvement Plan.²³

Block Grants

The term "block grant" refers to grant programs that provide federal funding for broadly defined purposes, such as community development or social services. Block grants allow the grantee more leeway than other grants in using the funds to meet a broader program goal. Federal block grants are usually awarded to U.S. state or territory governments. While laws, regulations, and guidelines generally govern the use of block grant funds, typically grantees may determine specifically how to allocate and spend the funding.²⁴

differences in how the third round of reviews is being conducted, state performance cannot be compared across the reviews. See <http://www.centerforchildwelfare.org/qa/CFSRTools/2016%20CFSR%20Final%20Report.pdf> (last accessed February 18, 2017).

¹⁷ Id. The outcomes address safety (children are, first and foremost, protected from abuse and neglect and safely maintained in their homes whenever possible and appropriate), permanency (children have permanency and stability in their living situations, and the continuity of family relationships and connections is preserved for families), and family and child well-being (families have enhanced capacity to provide for their children's needs, and children receive appropriate services to meet their educational needs and adequate services to meet their physical and mental health needs). The systemic factors include the effectiveness of the statewide child welfare information system; the case review system; the quality assurance system; staff and provider training; the service array and resource development; the agency's responsiveness to the community; and foster and adoptive parent licensing, recruitment, and retention.

¹⁸ U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth, and Families, Children's Bureau, *Child and Family Services Reviews, Florida Final Report, 2016*, p. 2, at

<http://www.centerforchildwelfare.org/qa/CFSRTools/2016%20CFSR%20Final%20Report.pdf> (last accessed February 18, 2017).

¹⁹ Id at 3.

²⁰ These states are Arizona, Delaware, Georgia, Kansas, Massachusetts, Minnesota, North Carolina, New Mexico, and Vermont. U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, *Reports and Results of the Child and Family Services Reviews (CFSRs)*,

https://library.childwelfare.gov/cwig/ws/cwmd/docs/cb_web/SearchForm (last accessed February 20, 2017).

²¹ Analysis by Children, Families and Seniors Subcommittee staff, on file. The Child and Family Services Review also examined the state's performance on statewide data indicators of measures such as placement moves, re-entry to foster care, and time to permanency. While this information is contained in the state's final report, during this round the Children's Bureau suspended the use of this information in considering whether a state is in conformity with requirements. See *Child and Family Services Reviews, Florida, Final Report, 2016*, page A-7.

²² *Supra* note 16.

²³ FLORIDA'S CENTER FOR CHILD WELFARE, *Child and Family Services Review*,

<http://www.centerforchildwelfare.org/QualityAssurance/CFSRHome.shtml> (last accessed February 19, 2017).

²⁴ GRANTS.GOV, "What is a Block Grant?", <https://blog.grants.gov/2016/06/15/what-is-a-block-grant/> (last accessed February 18, 2017).

Effect of the Bill

The bill requests that Congress establish a child welfare block grant in lieu of Title IV-E funding. It specifies that this block grant should give states flexibility to provide an expanded array of community-based programs and supports to children who are in or at risk of entering out-of-home placement, and their families.

The bill also requests that under this block grant, eligibility be broadened to any child in need; and that total funding available to the state be sufficient to meet, based on factors that provide incentives for earlier intervention and efficient and effective service provision while being responsive to population growth, changes in children's and families' needs, and inflation.

The bill also directs that copies of the memorial be provided to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

Legislative memorials are not subject to the Governor's veto power and are not presented to the Governor for review. Memorials have no force of law, as they are mechanisms for formally petitioning the federal government to act on a particular subject.

B. SECTION DIRECTORY:

Not applicable.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

This memorial does not directly impact federal child welfare funding. However, it requests that Congress establish a new approach to federal funding in lieu of the current Title IV-E funding.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

PCB CFS 17-01

ORIGINAL

YEAR

House Memorial

A memorial to the Congress of the United States,
 urging Congress to establish a child welfare block
 grant in lieu of Title IV-E funding.

WHEREAS, one of government's most important roles is
 ensuring the safety and well-being of society's most vulnerable
 members, including children, and

WHEREAS, children enter the child welfare system for many
 reasons, such as parental substance abuse, domestic violence,
 mental illness, and generational poverty, and the complexity of
 cases is growing due to the interplay of these factors, and

WHEREAS, preventing child abuse, abandonment, and neglect
 saves children from trauma and avoids costs for more intensive
 treatment services, juvenile justice interventions, public
 benefits expenditures, and other social services, resulting in
 long-term savings, and

WHEREAS, for children who suffer maltreatment and need
 intensive services, a wide range of research-based service
 models now exist to meet those needs, from in-home services to
 therapeutic care in out-of-home settings, and

WHEREAS, with flexibility in use of federal funds for child
 welfare services, professionals working closely with children
 and families can tailor services to best meet individual needs,
 regardless of how deeply they have penetrated into the child

PCB CFS 17-01

ORIGINAL

YEAR

26 welfare system, thus making the most effective and efficient use
 27 of funding, and

28 WHEREAS, Florida has been a national leader in innovative
 29 child welfare service provision through a community-based system
 30 of care and flexible funding streams, providing communities with
 31 the responsibility, authority, and resources to care for their
 32 own children, and

33 WHEREAS, while the federal Child and Family Services Review
 34 found that Florida has exceeded national standards regarding
 35 certain indicators and systemic factors, the state still faces
 36 challenges in meeting other requirements and would benefit from
 37 continued flexibility in federal funding to most effectively
 38 meet these challenges, and

39 WHEREAS, Florida's Title IV-E waiver is due to end
 40 September 30, 2018, and federal law requires all waiver
 41 operations to terminate by September 30, 2019, such that Florida
 42 will soon revert to more restrictive funding limitations unless
 43 Congress takes action, and

44 WHEREAS, even the flexible Title IV-E waivers limit state
 45 action to a great degree,

46 WHEREAS, widespread support exists nationally to transform
 47 the current Title IV-E funding approach to emphasize prevention
 48 and greater provision of a wider array of services tailored to
 49 meet individual families' needs so that children may be safe

PCB CFS 17-01

ORIGINAL

YEAR

50 | while avoiding the trauma of placement outside the home where
 51 | possible, NOW, THEREFORE,

52 |

53 | Be It Resolved by the Legislature of the State of Florida:

54 |

55 | That the Congress of the United States establish a child
 56 | welfare block grant in lieu of Title IV-E funding, giving states
 57 | flexibility to provide an expanded array of community-based
 58 | programs and supports to children who are in or at risk of
 59 | entering out-of-home placement, and their families;

60 | That under this block grant, eligibility be broadened to
 61 | any child in need; and that total funding available to the state
 62 | be sufficient to meet, based on factors that provide incentives
 63 | for earlier intervention and efficient and effective service
 64 | provision while being responsive to population growth, changes
 65 | in children's and families' needs, and inflation.

66 | BE IT FURTHER RESOLVED that copies of this memorial be
 67 | dispatched to the President of the United States, to the
 68 | President of the United States Senate, to the Speaker of the
 69 | United States House of Representatives, and to each member of
 70 | the Florida delegation to the United States Congress.



Child and Family Services Reviews

Florida

Final Report

2016

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Final Report: Florida Child and Family Services Review

INTRODUCTION

This document presents the findings of the Child and Family Services Review (CFSR) for the state of Florida Department of Children and Families. The CFSRs enable the Children's Bureau to: (1) ensure conformity with certain federal child welfare requirements; (2) determine what is actually happening to children and families as they are engaged in child welfare services; and (3) assist states in enhancing their capacity to help children and families achieve positive outcomes. Federal law and regulations authorize the Children's Bureau, within the U.S. Department of Health and Human Services' Administration for Children and Families, to administer the review of child and family services programs under titles IV-B and IV-E of the Social Security Act. The CFSRs are structured to help states identify strengths and areas needing improvement in their child welfare practices and programs as well as institute systemic changes that will improve child and family outcomes.

The findings for Florida are based on:

- The statewide assessment prepared by the Florida Department of Children and Families, and submitted to the Children's Bureau on March 24, 2016. The statewide assessment is the state's analysis of its performance on outcomes, and the functioning of systemic factors in relation to title IV-B and IV-E requirements and the title IV-B Child and Family Services Plan
- The results of case reviews of 80 cases (55 foster care and 25 in-home cases) conducted via a State Conducted Case Review process at 21 lead agency sites in Florida between April 1, 2016, and September 30, 2016
- Interviews and focus groups with state stakeholders and partners, which included:
 - Attorneys representing the agency
 - Attorneys representing parents
 - Attorneys representing children and youth and Guardians ad Litem
 - Child care facility staff
 - Child welfare agency senior managers and program managers
 - Child welfare caseworkers and supervisors
 - Foster and adoptive licensing staff
 - Foster and adoptive parents and relative caregivers
 - Group care staff
 - Interstate Compact on the Placement of Children staff
 - Information system staff
 - Judges
 - Parents

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- Training staff
- Service providers
- Youth served by the agency

In Round 3, the Children's Bureau suspended the use of the state's performance on national standards for the 7 statewide data indicators in conformity decisions. For contextual information, Appendix A of this report shows the state's performance on the 7 data indicators. Moving forward, the Children's Bureau will refer to the national standards as "national performance." This national performance represents the performance of the nation on the statewide data indicators for an earlier point in time. For the time periods used to calculate the national performance for each indicator, see 80 Fed. Reg. 27263 (May 13, 2015).

Background Information

The Round 3 CFSR assesses state performance with regard to substantial conformity with 7 child and family outcomes and 7 systemic factors. Each outcome incorporates 1 or more of the 18 items included in the case review, and each item is rated as a Strength or Area Needing Improvement based on an evaluation of certain child welfare practices and processes in the cases reviewed in the state. With two exceptions, an item is assigned an overall rating of Strength if 90% or more of the applicable cases reviewed were rated as a Strength. Because Item 1 is the only item for Safety Outcome 1 and Item 16 is the only item for Well-Being Outcome 2, the requirement of a 95% Strength rating applies to those items. For a state to be in substantial conformity with a particular outcome, 95% or more of the cases reviewed must be rated as having substantially achieved the outcome.

Eighteen items are considered in assessing the state's substantial conformity with the 7 systemic factors. Each item reflects a key federal program requirement relevant to the Child and Family Services Plan (CFSP) for that systemic factor. An item is rated as a Strength or an Area Needing Improvement based on how well the item-specific requirement is functioning. A determination of the rating is based on information provided by the state to demonstrate the functioning of the systemic factor in the statewide assessment and, as needed, from interviews with stakeholders and partners. For a state to be in substantial conformity with the systemic factors, no more than 1 of the items associated with the systemic factor can be rated as an Area Needing Improvement. For systemic factors that have only 1 item associated with them, that item must be rated as a Strength for a determination of substantial conformity.

The Children's Bureau made several changes to the CFSR process and items and indicators relevant for performance based on lessons learned during the second round of reviews and in response to feedback from the child welfare field. As such, a state's performance in the third round of the CFSRs is not directly comparable to its performance in the second round. Appendix A provides tables presenting Florida's overall performance in Round 3. Appendix B provides information about Florida's performance in Round 2.

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I. SUMMARY OF PERFORMANCE

Florida 2016 CFSR Assessment of Substantial Conformity for Outcomes and Systemic Factors

None of the 7 outcomes was found to be in substantial conformity.

The following 3 of 7 systemic factors were found to be in substantial conformity

- Quality Assurance System
- Staff and Provider Training
- Agency Responsiveness to the Community

Children's Bureau Comments on Florida Performance

The following are the Children's Bureau's observations about cross-cutting issues and Florida's overall performance:

In 2008, the CFSR identified practice issues concerning providing adequate and appropriate services to families to protect children and prevent their removal. Similar practice challenges were identified in the 2016 CFSR. In over half of applicable cases, the agency failed to make concerted efforts to provide services, removed children without providing appropriate services, or did not monitor safety plans and engage the family in needed safety-related services. Case reviews revealed that in most cases in which such issues were rated as an Area Needing Improvement, the safety assessments were inadequate or inaccurate. In nearly half of these cases, there were either no safety plans in place or the safety plans were not adequately monitored.

The case review found that Florida uses a variety of assessment tools to assist in assessing safety, risk, and the well-being needs of children. The use of formal assessment tools such as the Children's Behavioral Health Assessment, Child Strengths and Needs Assessments, and Level of Care Assessment were often found in cases showing good assessment of children's needs and services provided to children. Florida's commitment to the Child Welfare Practice Model, implemented in 2013, contributes to the state's improvement in this area. The model provides a standard practice for engaging caregivers during initial and ongoing assessments.

Although the state was not in substantial conformity with Permanency Outcome 1, Children have permanency and stability in their living situations, case review findings did identify some positive work in ensuring stability of children's foster care placements and establishing timely and appropriate permanency goals for children. In over half of the cases reviewed, the target child resided in one placement and most placement settings during the period under review were stable. Court hearings are being held timely in most

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cases. Stakeholders attributed this success to a daily tracking report that identifies scheduling issues and monitors permanency hearing content and quality.

Despite establishing timely and appropriate permanency goals, case review results found that agencies and courts struggle to make concerted efforts to achieve identified permanency goals in a timely manner. Delays in achieving reunification and guardianship goals are affected by case plans not being updated timely to reflect the current needs of the family, delays in referral for services, and failure to engage parents. The agency and court do not make concerted efforts to achieve the goal of adoption timely in nearly half of applicable cases. Barriers affecting timely adoptions include the lack of concurrent planning when a parent's compliance level is minimal, and providing parents additional time to work on case plan goals.

The CFSR identified significant practice challenges with engaging parents, particularly fathers. In over half of the cases reviewed, both the frequency and quality of casework visitation with mothers was sufficient. However, the frequency and quality of caseworker visitation with fathers was insufficient in more than half of the cases. The lack of father engagement affects many areas of casework practice, including the relationship of the child in care with parents, assessing needs and providing services to parents, involving parents in case planning, and achieving reunification. In these cases, casework with fathers was rated significantly lower than the work with mothers across these items, although in-home services cases generally were rated higher than foster care cases.

The CFSR found that the state was not in substantial conformity with meeting the educational, physical health, and mental/behavioral health needs of children being served. Case reviews found that in nearly all applicable cases, the agency accurately assesses the children's educational, physical health, dental, and mental/behavioral needs. However, once assessments are completed, there are challenges in providing appropriate services to meet the identified needs of the children.

The state's challenges with the service array systemic factor affect the state's ability to meet safety and well-being needs. There are concerns with gaps in key services, long waiting lists, insurance barriers, and an inability to tailor services to meet the cultural needs of the diverse population. Substance abuse and domestic violence are the main reasons for the agency's involvement in many cases. The review found that substance abuse, in particular, contributes to various safety concerns for children. Stakeholders noted that there are major gaps in services to address both substance abuse and domestic violence in the non-metro areas of the state. Results of case reviews and information from stakeholders found that the lack of services and quality service provision negatively affects state performance.

Florida has made significant gains in its Quality Assurance (QA) System. The agency has a fully functioning case review system in place that identifies standards, has written QA guidelines, and provides training for all QA staff. We encourage the state to continue its agency-wide CQI processes that build capacity to conduct case reviews on a continuous basis. We also encourage the use of the item report function in the Online Monitoring System to provide an ongoing training process.

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II. KEY FINDINGS RELATED TO OUTCOMES

For each outcome, we provide performance summaries from the case review findings. The CFSR relies upon a case review of an approved sample of foster care cases and in-home services cases. Where relevant, we provide performance summaries that are differentiated between foster care and in-home services cases.

This report provides an overview. Results have been rounded to the nearest whole number. Details on each case rating are available to Florida Department of Children and Families. The state is encouraged to conduct additional item-specific analysis of the case review findings to better understand areas of practice that are associated with positive outcomes and those that need improvement.

Safety Outcome 1: Children are, first and foremost, protected from abuse and neglect.

The Children's Bureau calculates the state's performance on Safety Outcome 1 using the state's performance on Item 1.

State Outcome Performance

Florida is not in substantial conformity with Safety Outcome 1.

The outcome was substantially achieved in 91% of the 47 applicable cases reviewed.

Safety Outcome 1 Item Performance

Item 1. Timeliness of Initiating Investigations of Reports of Child Maltreatment

Purpose of Assessment: To determine whether responses to all accepted child maltreatment reports received during the period under review were initiated, and face-to-face contact with the child(ren) made, within the time frames established by agency policies or state statutes.

State policy requires that the response time for a CPS investigation be based upon an assessment of present or impending danger. Reports assigned for Immediate Response require the investigator to attempt to make the initial face-to-face contact with the alleged child victim as soon as possible but no later than 4 hours. A report assigned for 24-Hour Response requires the investigator to attempt to make initial face-to-face contact with the alleged child victim no later than 24 hours.

- Florida received an overall rating of Area Needing Improvement for Item 1 because 91% of the 47 applicable cases were rated as a Strength.

For performance on the safety statewide data indicators, see Appendix A.

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Safety Outcome 2: Children are safely maintained in their homes whenever possible and appropriate.

The Children's Bureau calculates the state's performance on Safety Outcome 2 using the state's performance on Items 2 and 3.

State Outcome Performance

Florida is not in substantial conformity with Safety Outcome 2.

The outcome was substantially achieved in 70% of the 80 cases reviewed.

The outcome was substantially achieved in 75% of the 55 foster care cases and 60% of the 25 in-home services cases.

Safety Outcome 2 Item Performance

Item 2. Services to Family to Protect Child(ren) in the Home and Prevent Removal or Re-Entry Into Foster Care

Purpose of Assessment: To determine whether, during the period under review, the agency made concerted efforts to provide services to the family to prevent children's entry into foster care or re-entry after a reunification.

- Florida received an overall rating of Area Needing Improvement for Item 2 because 76% of the 34 applicable cases were rated as a Strength.
- Item 2 was rated as a Strength in 83% of the 23 applicable foster care cases and 64% of the 11 applicable in-home services cases.

Item 3. Risk and Safety Assessment and Management

Purpose of Assessment: To determine whether, during the period under review, the agency made concerted efforts to assess and address the risk and safety concerns relating to the child(ren) in their own homes or while in foster care.

- Florida received an overall rating of Area Needing Improvement for Item 3 because 71% of the 80 applicable cases were rated as a Strength.
- Item 3 was rated as a Strength in 76% of the 55 applicable foster care cases and 60% of the 25 applicable in-home services cases.

Permanency Outcome 1: Children have permanency and stability in their living situations.

The Children's Bureau calculates the state's performance on Permanency Outcome 1 using the state's performance on Items 4, 5, and 6.

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State Outcome Performance

Florida is not in substantial conformity with Permanency Outcome 1.

The outcome was substantially achieved in 49% of the 55 applicable cases reviewed.

Permanency Outcome 1 Item Performance

Item 4. Stability of Foster Care Placement

Purpose of Assessment: To determine whether the child in foster care is in a stable placement at the time of the onsite review and that any changes in placement that occurred during the period under review were in the best interests of the child and consistent with achieving the child's permanency goal(s).

- Florida received an overall rating of Area Needing Improvement for Item 4 because 82% of the 55 applicable cases were rated as a Strength.

Item 5. Permanency Goal for Child

Purpose of Assessment: To determine whether appropriate permanency goals were established for the child in a timely manner.

- Florida received an overall rating of Area Needing Improvement for Item 5 because 75% of the 55 applicable cases were rated as a Strength.

Item 6. Achieving Reunification, Guardianship, Adoption, or Other Planned Permanent Living Arrangement

Purpose of Assessment: To determine whether concerted efforts were made, or are being made, during the period under review to achieve reunification, guardianship, adoption, or other planned permanent living arrangement.

- Florida received an overall rating of Area Needing Improvement for Item 6 because 67% of the 55 applicable cases were rated as a Strength.

For performance on the permanency statewide data indicators, see Appendix A.

Permanency Outcome 2: The continuity of family relationships and connections is preserved for children.

The Children's Bureau calculates the state's performance on Permanency Outcome 2 using the state's performance on Items 7, 8, 9, 10, and 11.

State Outcome Performance

Florida is not in substantial conformity with Permanency Outcome 2.

The outcome was substantially achieved in 69% of the 55 applicable cases reviewed.

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Permanency Outcome 2 Item Performance

Item 7. Placement With Siblings

Purpose of Assessment: To determine whether, during the period under review, concerted efforts were made to ensure that siblings in foster care are placed together unless a separation was necessary to meet the needs of one of the siblings.

- Florida received an overall rating of Area Needing Improvement for Item 7 because 85% of the 41 applicable cases were rated as a Strength.

Item 8. Visiting With Parents and Siblings in Foster Care

Purpose of Assessment: To determine whether, during the period under review, concerted efforts were made to ensure that visitation between a child in foster care and his or her mother, father,¹ and siblings is of sufficient frequency and quality to promote continuity in the child's relationship with these close family members.

- Florida received an overall rating of Area Needing Improvement for Item 8 because 69% of the 45 applicable cases were rated as a Strength.
- In 74% of the 19 applicable cases, the agency made concerted efforts to ensure that both the frequency and quality of visitation with a sibling(s) in foster care who is/was in a different placement setting was sufficient to maintain and promote the continuity of the relationship.
- In 85% of the 39 applicable cases, the agency made concerted efforts to ensure that both the frequency and quality of visitation between the child in foster care and his or her mother was sufficient to maintain and promote the continuity of the relationship.
- In 71% of the 17 applicable cases, the agency made concerted efforts to ensure that both the frequency and quality of visitation between the child in foster care and his or her father was sufficient to maintain and promote the continuity of the relationship.

Item 9. Preserving Connections

Purpose of Assessment: To determine whether, during the period under review, concerted efforts were made to maintain the child's connections to his or her neighborhood, community, faith, extended family, Tribe, school, and friends.

¹ For Item 8, "Mother" and "Father" are typically defined as the parents/caregivers from whom the child was removed and with whom the agency is working toward reunification. The persons identified in these roles for the purposes of the review may include individuals who do not meet the legal definitions or conventional meanings of a mother and father.

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- Florida received an overall rating of Area Needing Improvement for Item 9 because 82% of the 55 applicable cases were rated as a Strength.

Item 10. Relative Placement

Purpose of Assessment: To determine whether, during the period under review, concerted efforts were made to place the child with relatives when appropriate.

- Florida received an overall rating of Area Needing Improvement for Item 10 because 72% of the 54 applicable cases were rated as a Strength.

Item 11. Relationship of Child in Care With Parents

Purpose of Assessment: To determine whether, during the period under review, concerted efforts were made to promote, support, and/or maintain positive relationships between the child in foster care and his or her mother and father² or other primary caregiver(s) from whom the child had been removed through activities other than just arranging for visitation.

- Florida received an overall rating of Area Needing Improvement for Item 11 because 60% of the 40 applicable cases were rated as a Strength.
- In 72% of the 39 applicable cases, the agency made concerted efforts to promote, support, and otherwise maintain a positive and nurturing relationship between the child in foster care and his or her mother.
- In 29% of the 17 applicable cases, the agency made concerted efforts to promote, support, and otherwise maintain a positive and nurturing relationship between the child in foster care and his or her father.

Well-Being Outcome 1: Families have enhanced capacity to provide for their children's needs.

The Children's Bureau calculates the state's performance on Well-Being Outcome 1 using the state's performance on Items 12, 13, 14, and 15.

State Outcome Performance

Florida is not in substantial conformity with Well-Being Outcome 1.

The outcome was substantially achieved in 40% of the 80 cases reviewed.

The outcome was substantially achieved in 38% of the 55 foster care cases and 44% of the 25 in-home services cases.

² For Item 11, "Mother" and "Father" are typically defined as the parents/caregivers from whom the child was removed and with whom the agency is working toward reunification.

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Well-Being Outcome 1 Item Performance

Item 12. Needs and Services of Child, Parents, and Foster Parents

Purpose of Assessment: To determine whether, during the period under review, the agency (1) made concerted efforts to assess the needs of children, parents, and foster parents³ (both initially, if the child entered foster care or the case was opened during the period under review, and on an ongoing basis) to identify the services necessary to achieve case goals and adequately address the issues relevant to the agency's involvement with the family, and (2) provided the appropriate services.

- Florida received an overall rating of Area Needing Improvement for Item 12 because 51% of the 80 cases were rated as a Strength.
- Item 12 was rated as Strength in 49% of the 55 foster care cases and 56% of the 25 in-home services cases.

Item 12 is divided into three sub-items:

Sub-Item 12A. Needs Assessment and Services to Children

- Florida received an overall rating of Area Needing Improvement for Item 12A because 88% of the 80 cases were rated as a Strength.
- Item 12A was rated as a Strength in 91% of the 55 foster care cases and 80% of the 25 in-home services cases.

Sub-Item 12B. Needs Assessment and Services to Parents

- Florida received an overall rating of Area Needing Improvement for Item 12B because 55% of the 69 applicable cases were rated as a Strength.
- Item 12B was rated as a Strength in 52% of the 44 applicable foster care cases and 60% of the 25 applicable in-home services cases.
- In 67% of the 67 applicable cases, the agency made concerted efforts both to assess and address the needs of mothers.
- In 56% of the 45 applicable cases, the agency made concerted efforts both to assess and address the needs of fathers.

³ For Sub-Item 12B, in the in-home cases, "Mother" and "Father" are typically defined as the parents/caregivers with whom the children were living when the agency became involved with the family and with whom the children will remain (for example, biological parents, relatives, guardians, adoptive parents). In the foster care cases, "Mother" and "Father" are typically defined as the parents/caregivers from whom the child was removed and with whom the agency is working toward reunification; however, biological parents who were not the parents from whom the child was removed may also be included, as may adoptive parents if the adoption was finalized during the period under review. A rating could consider the agency's work with multiple applicable "mothers" and "fathers" for the period under review in the case.

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Sub-Item 12C. Needs Assessment and Services to Foster Parents

- Florida received an overall rating of Area Needing Improvement for Item 12C because 80% of the 51 applicable foster care cases were rated as a Strength.

Item 13. Child and Family Involvement in Case Planning

Purpose of Assessment: To determine whether, during the period under review, concerted efforts were made (or are being made) to involve parents⁴ and children (if developmentally appropriate) in the case planning process on an ongoing basis.

- Florida received an overall rating of Area Needing Improvement for Item 13 because 64% of the 77 applicable cases were rated as a Strength.
- Item 13 was rated as a Strength in 58% of the 52 applicable foster care cases and 76% of the 25 applicable in-home services cases.
- In 65% of the 43 applicable cases, the agency made concerted efforts to involve child(ren) in case planning.
- In 79% of the 67 applicable cases, the agency made concerted efforts to involve mothers in case planning.
- In 67% of the 42 applicable cases, the agency made concerted efforts to involve fathers in case planning.

Item 14. Caseworker Visits With Child

Purpose of Assessment: To determine whether the frequency and quality of visits between caseworkers and the child(ren) in the case are sufficient to ensure the safety, permanency, and well-being of the child(ren) and promote achievement of case goals.

- Florida received an overall rating of Area Needing Improvement for Item 14 because 73% of the 80 cases were rated as a Strength.
- Item 14 was rated as a Strength in 75% of the 55 foster care cases and 68% of the 25 in-home services cases.

⁴ For Item 13, in the in-home cases, "Mother" and "Father" are typically defined as the parents/caregivers with whom the children were living when the agency became involved with the family and with whom the children will remain (for example, biological parents, relatives, guardians, adoptive parents). In the foster care cases, "mother" and "father" are typically defined as the parents/caregivers from whom the child was removed and with whom the agency is working toward reunification; however, biological parents who were not the parents from whom the child was removed may also be included, as may adoptive parents if the adoption was finalized during the period under review. A rating could consider the agency's work with multiple applicable "mothers" and "fathers" for the period under review in the case.

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Item 15. Caseworker Visits With Parents

Purpose of Assessment: To determine whether, during the period under review, the frequency and quality of visits between caseworkers and the mothers and fathers⁵ of the child(ren) are sufficient to ensure the safety, permanency, and well-being of the child(ren) and promote achievement of case goals.

- Florida received an overall rating of Area Needing Improvement for Item 15 because 43% of the 69 applicable cases were rated as a Strength.
- Item 15 was rated as a Strength in 41% of the 44 applicable foster care cases and 48% of the 25 applicable in-home services cases.
- In 58% of the 67 applicable cases, the agency made concerted efforts to ensure that both the frequency and quality of caseworker visitation with mothers were sufficient.
- In 48% of the 44 applicable cases, the agency made concerted efforts to ensure that both the frequency and quality of caseworker visitation with fathers were sufficient.

Well-Being Outcome 2: Children receive appropriate services to meet their educational needs.

The Children's Bureau calculates the state's performance on Well-Being Outcome 2 using the state's performance on Item 16.

State Outcome Performance

Florida is not in substantial conformity with Well-Being Outcome 2.

The outcome was substantially achieved in 92% of the 53 applicable cases reviewed.

Well-Being Outcome 2 Item Performance

Item 16. Educational Needs of the Child

Purpose of Assessment: To assess whether, during the period under review, the agency made concerted efforts to assess children's educational needs at the initial contact with the child (if the case was opened during the period under review) or on an ongoing basis (if

⁵ For Item 15, in the in-home cases, "Mother" and "Father" are typically defined as the parents/caregivers with whom the children were living when the agency became involved with the family and with whom the children will remain (for example, biological parents, relatives, guardians, adoptive parents). In the foster care cases, "Mother" and "Father" is typically defined as the parents/caregivers from whom the child was removed and with whom the agency is working toward reunification; however, biological parents who were not the parents from whom the child was removed may also be included, as may adoptive parents if the adoption was finalized during the period under review. A rating could consider the agency's work with multiple applicable mother and fathers for the period under review in the case.

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the case was opened before the period under review), and whether identified needs were appropriately addressed in case planning and case management activities.

- Florida received an overall rating of Area Needing Improvement for Item 16 because 92% of the 53 applicable cases were rated as a Strength.
- Item 16 was rated as a Strength in 93% of the 46 applicable foster care cases and 86% of the 7 applicable in-home services cases.

Well-Being Outcome 3: Children receive adequate services to meet their physical and mental health needs.

The Children's Bureau calculates the state's performance on Well-Being Outcome 3 using the state's performance on Items 17 and 18.

State Outcome Performance

Florida is not in substantial conformity with Well-Being Outcome 3.

The outcome was substantially achieved in 75% of the 67 applicable cases reviewed.

The outcome was substantially achieved in 76% of the 55 applicable foster care cases and 67% of the applicable 12 in-home services cases.

Well-Being Outcome 3 Item Performance

Item 17. Physical Health of the Child

Purpose of Assessment: To determine whether, during the period under review, the agency addressed the physical health needs of the children, including dental health needs.

- Florida received an overall rating of Area Needing Improvement for Item 17 because 85% of the 60 applicable cases were rated as a Strength.
- Item 17 was rated as a Strength in 87% of the 55 foster care cases and 60% of the 5 applicable in-home services cases.

Item 18. Mental/Behavioral Health of the Child

Purpose of Assessment: To determine whether, during the period under review, the agency addressed the mental/behavioral health needs of the children.

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- Florida received an overall rating of Area Needing Improvement for Item 18 because 72% of the 39 applicable cases were rated as a Strength.
- Item 18 was rated as a Strength in 72% of the 32 applicable foster care cases and 71% of the 7 applicable in-home services cases.

III. KEY FINDINGS RELATED TO SYSTEMIC FACTORS

For each systemic factor below, we provide performance summaries and a determination of whether the state is in substantial conformity with that systemic factor. In addition, we provide ratings for each item and a description of how the rating was determined. The CFSR relies upon a review of information contained in the statewide assessment to assess each item. If an item rating cannot be determined from the information contained in the statewide assessment, the Children's Bureau conducts stakeholder interviews and considers information gathered through the interviews in determining ratings for each item.

Statewide Information System

The Children's Bureau assesses the state's performance on this systemic factor using the state's performance on Item 19.

State Systemic Factor Performance

Florida is not in substantial conformity with the systemic factor of Statewide Information System. The one item in this systemic factor was rated as an Area Needing Improvement.

Statewide Information System Item Performance

Item 19. Statewide Information System

Description of Systemic Factor Item: The statewide information system is functioning statewide to ensure that, at a minimum, the state can readily identify the status, demographic characteristics, location, and goals for the placement of every child who is (or, within the immediately preceding 12 months, has been) in foster care.

- Florida received an overall rating of Area Needing Improvement for Item 19 based on information from the statewide assessment and stakeholder interviews.
- Information in the statewide assessment and collected during interviews with stakeholders showed that although Florida has an information system that supports the collection of required information, the state did not demonstrate that the system is functioning to ensure that the goals, status, placements, and demographic characteristics of every child are entered accurately and in a timely manner. Additionally, practices for data collection were determined to vary across the community-based care agencies.

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Case Review System

The Children's Bureau assesses the state's performance on this systemic factor using the state's performance on Items 20, 21, 22, 23, and 24.

State Systemic Factor Performance

Florida is not in substantial conformity with the systemic factor of Case Review System. Two of the 5 items in this systemic factor were rated as a Strength.

Case Review System Item Performance

Item 20. Written Case Plan

Description of Systemic Factor Item: The case review system is functioning statewide to ensure that each child has a written case plan that is developed jointly with the child's parent(s) and includes the required provisions.

- Florida received an overall rating of Area Needing Improvement for Item 20 based on information from the statewide assessment. Florida agreed with this rating and felt that additional information collected during stakeholder interviews would not affect the rating.
- Information in the statewide assessment does not show that the case review system ensures that each child has a written case plan developed jointly with the child's parent(s). In the statewide assessment, Florida described the substantial changes made to the state's case planning process through the institution of a practice model that promotes family engagement in case planning. The state provided recent case review results that showed the need for increased parental involvement in case plan development. Florida also shared stakeholder information that confirms limited engagement of parents and the often generic nature of case plans.

Item 21. Periodic Reviews

Description of Systemic Factor Item: The case review system is functioning statewide to ensure that a periodic review for each child occurs no less frequently than once every 6 months, either by a court or by administrative review.

- Florida received an overall rating of Strength for Item 21 based on information from the statewide assessment and stakeholder interviews.
- In the statewide assessment, Florida provided recent point-in-time data demonstrating that almost all children and youth had a periodic review within the last 6 months. Stakeholder interviews affirmed that both initial and periodic reviews are occurring and are timely.

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Item 22. Permanency Hearings

Description of Systemic Factor Item: The case review system is functioning statewide to ensure that each child has a permanency hearing in a qualified court or administrative body that occurs no later than 12 months from the date the child entered foster care and no less frequently than every 12 months thereafter.

- Florida received an overall rating of Strength for Item 22 based on information from the statewide assessment and stakeholder interviews.
- Information in the statewide assessment showed that almost all children entering and remaining in care have timely initial and subsequent permanency hearings. Stakeholder information revealed that initial and subsequent permanency hearings are scheduled 1 or 2 months ahead of the 12th month, and that hearings are timely. The state has developed and implemented a daily tracking report to identify scheduling issues, and has instituted a review process to monitor permanency hearing content and quality.

Item 23. Termination of Parental Rights

Description of Systemic Factor Item: The case review system is functioning statewide to ensure that the filing of termination of parental rights proceedings occurs in accordance with required provisions.

- Florida received an overall rating of Area Needing Improvement for Item 23 based on information from the statewide assessment and stakeholder interviews.
- In the statewide assessment, Florida provided data showing that in those cases where a petition to terminate parental rights (TPR) is filed, it is filed timely. However, the state was not able to provide sufficient information to show whether TPR requirements are met or exceptions are documented in all applicable cases. Stakeholders said that because of DCFS staff and attorney turnover, hearings are not as effective as they could be. Stakeholders identified several barriers that result in TPRs not occurring timely, including appeals by parents; judges' belief that families should be preserved despite the facts of the case; and cases being opened too long before petitions are filed. Stakeholders did not provide sufficient information to demonstrate that TPR requirements are being met consistently throughout the state.

Item 24. Notice of Hearings and Reviews to Caregivers

Description of Systemic Factor Item: The case review system is functioning to ensure that foster parents, pre-adoptive parents, and relative caregivers of children in foster care are notified of, and have a right to be heard in, any review or hearing held with respect to the child.

- Florida received an overall rating of Area Needing Improvement for Item 24 based on information from the statewide assessment and stakeholder interviews.
- Information in the statewide assessment and confirmed in interviews with stakeholder showed that foster parents, pre-adoptive parents, and caregivers are not regularly notified of hearings. In the statewide assessment, Florida provided survey data showing that a large percentage of caregivers do not receive notices of hearings or know they can share their views with

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the court. Stakeholders interviewed explained that notices of hearings can be delivered in various ways and that the caregivers' right to be heard depends on the judge.

Quality Assurance System

The Children's Bureau assesses the state's performance on this systemic factor using the state's performance on Item 25.

State Systemic Factor Performance

Florida is in substantial conformity with the systemic factor of Quality Assurance System. The one item in this systemic factor was rated as a Strength.

Quality Assurance System Item Performance

Item 25. Quality Assurance System

Description of Systemic Factor Item: The quality assurance system is functioning statewide to ensure that it (1) operating in the jurisdictions where the services included in the Child and Family Services Plan (CFSP) are provided, (2) has standards to evaluate the quality of services (including standards to ensure that children in foster care are provided quality services that protect their health and safety), (3) identifies strengths and needs of the service delivery system, (4) provides relevant reports, and (5) evaluates implemented program improvement measures.

- Florida received an overall rating of Strength for Item 25 based on information from the statewide assessment.
- Information in the statewide assessment demonstrated that the quality assurance system is functioning statewide. The state's quality assurance system adheres to standards and written guidelines, identifies strengths and areas needing improvement, and makes data available for the state's public website. The state has a process in place to develop quality improvement plans and includes a training component for all QA staff. Florida's State Conducted Case Review process showed one aspect of the QA system functioning effectively.

Staff and Provider Training

The Children's Bureau assesses the state's performance on this systemic factor using the state's performance on Items 26, 27, and 28.

State Systemic Factor Performance

Florida is in substantial conformity with the systemic factor of Staff and Provider Training. Two of the items in this systemic factor were rated as a Strength.

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Staff and Provider Training Item Performance

Item 26. Initial Staff Training

Description of Systemic Factor Item: The staff and provider training system is functioning statewide to ensure that initial training is provided to all staff who deliver services pursuant to the CFSP that includes the basic skills and knowledge required for their positions.

- Florida received an overall rating of Strength for Item 26 based on information from the statewide assessment.
- Information in the statewide assessment showed that initial training is provided to all staff that provide services pursuant to the CFSP. Staff certification to work in the field requires completion of a pre-service exam following pre-service training, and completion of 1,040 hours of on-the-job experience and 46 hours of direct supervision. The statewide assessment included survey information from staff stating that they believe initial training provides them with the skills and knowledge needed to do their jobs.

Item 27. Ongoing Staff Training

Description of Systemic Factor Item: The staff and provider training system is functioning statewide to ensure that ongoing training is provided for staff⁶ that addresses the skills and knowledge base needed to carry out their duties with regard to the services included in the CFSP.

- Florida received an overall rating of Strength for Item 27 based on information from the statewide assessment and stakeholder interviews.
- Information in the statewide assessment and obtained from stakeholders during interviews showed that ongoing staff training provides staff with the skills and knowledge base needed to carry out their duties. All staff and supervisors must complete 40 hours of ongoing training every 2 years. Training is coordinated statewide and provided at the Community Based Care (CBC) level. Ongoing training is incentivized and completion is tied to recertification for staff and performance evaluation for supervisors. The statewide assessment included survey information that suggests most staff believe the training addresses the skills and knowledge needed to carry out their duties.

Item 28. Foster and Adoptive Parent Training

Description of Systemic Factor Item: The staff and provider training system is functioning statewide to ensure that training is occurring statewide for current or prospective foster parents, adoptive parents, and staff of state licensed or approved facilities (that

⁶ "Staff," for purposes of assessing this item, includes all contracted and non-contracted staff who have case management responsibilities in the areas of child protection services, family preservation and support services, foster care services, adoption services, and independent living services pursuant to the state's CFSP. "Staff" also includes direct supervisors of all contracted and non-contracted staff who have case management responsibilities in the areas of child protection services, family preservation and support services, foster care services, adoption services, and independent living services pursuant to the state's CFSP.

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care for children receiving foster care or adoption assistance under title IV-E) that addresses the skills and knowledge base needed to carry out their duties with regard to foster and adopted children.

- Florida received an overall rating of Area Needing Improvement for Item 28 based on information from the statewide assessment and stakeholder interviews.
- Information from the statewide assessment showed that preservice training and a variety of ongoing training is available for foster and adoptive parents and that there are requirements for training. However, neither the statewide assessment nor stakeholder interviews sufficiently demonstrated that the training available to foster parents and group home staff equips them with the knowledge and skills necessary to care for children. Stakeholders said more training is needed to prepare foster parents for fostering teens and that foster parents needed to have a better understanding of the reunification process.

Service Array and Resource Development

The Children's Bureau assesses the state's performance on this systemic factor using the state's performance on Items 29 and 30.

State Systemic Factor Performance

Florida is not in substantial conformity with the systemic factor of Service Array and Resource Development. None of the items in this systemic factor was rated as a Strength.

Service Array and Resource Development Item Performance

Item 29. Array of Services

Description of Systemic Factor Item: The service array and resource development system is functioning to ensure that the following array of services is accessible in all political jurisdictions covered by the CFSP: (1) services that assess the strengths and needs of children and families and determine other service needs, (2) services that address the needs of families in addition to individual children in order to create a safe home environment, (3) services that enable children to remain safely with their parents when reasonable, and (4) services that help children in foster and adoptive placements achieve permanency.

- Florida received an overall rating of Area Needing Improvement for Item 29 based on information from the statewide assessment and stakeholder interviews.
- Information in the statewide assessment and collected from stakeholder interviews indicated the state faces challenges in its array of services. Although the statewide assessment provided information that services are available across the state, there are statewide challenges and barriers in safety management services, and gaps in services in non-metro areas. In particular, stakeholders identified service gaps or wait lists for substance abuse treatment, mental health services, domestic violence services, anger management, and transportation services.

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Item 30. Individualizing Services

Description of Systemic Factor Item: The service array and resource development system is functioning statewide to ensure that the services in Item 29 can be individualized to meet the unique needs of children and families served by the agency.

- Florida received an overall rating of Area Needing Improvement for Item 30 based on information from the statewide assessment and stakeholder interviews.
- Information in the statewide assessment and collected during interviews with stakeholders showed that Florida has had some success in individualizing services, but there are challenges in offering bilingual services to meet language needs. Gaps in services and wait lists for some services result in limitations in individualizing services to meet unique family needs.

Agency Responsiveness to the Community

The Children's Bureau assesses the state's performance on this systemic factor using the state's performance on Items 31 and 32.

State Systemic Factor Performance

Florida is in substantial conformity with the systemic factor of Agency Responsiveness to the Community. One item in this systemic factor was rated as a Strength.

Agency Responsiveness to the Community Item Performance

Item 31. State Engagement and Consultation With Stakeholders Pursuant to CFSP and APSR

Description of Systemic Factor Item: The agency responsiveness to the community system is functioning statewide to ensure that, in implementing the provisions of the CFSP and developing related APSRs, the state engages in ongoing consultation with Tribal representatives, consumers, service providers, foster care providers, the juvenile court, and other public and private child- and family-serving agencies and includes the major concerns of these representatives in the goals, objectives, and annual updates of the CFSP.

- Florida received an overall rating of Strength for Item 31 based on information from the statewide assessment and stakeholder interviews.
- Information from the statewide assessment and collected during interviews with stakeholders showed a high level of collaboration and consultation with stakeholders in developing the CFSP. Florida has a statewide committee and other regular workgroups and summits with tribes and multiple internal and external partners to accomplish the goal of reviewing and assessing information on performance, policy, systems, and services for both the CFSR and the CFSP.

Item 32. Coordination of CFSP Services With Other Federal Programs

Description of Systemic Factor Item: The agency responsiveness to the community system is functioning statewide to ensure that the state's services under the CFSP are coordinated with services or benefits of other federal or federally assisted programs serving the same population.

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- Florida received an overall rating of Area Needing Improvement for Item 32 based on information from the statewide assessment and stakeholder interviews.
- Information from the statewide assessment and interviews with stakeholders showed that although Florida has coalitions with some federal or federally assisted programs serving the same population, there is no evidence of coordination of CFSP services with key public agencies such as TANF, Child Care, Department of Labor, and HUD. Stakeholders expressed concerns with navigating through the Medicaid process and with a recent change to Florida Medicaid that has resulted in limited access to primary care physicians.

Foster and Adoptive Parent Licensing, Recruitment, and Retention

The Children's Bureau assesses the state's performance on this systemic factor using the state's performance on Items 33, 34, 35, and 36.

State Systemic Factor Performance

Florida is not in substantial conformity with the systemic factor of Foster and Adoptive Parent Licensing, Recruitment, and Retention. One of the four items in this systemic factor was rated as a Strength.

Foster and Adoptive Parent Licensing, Recruitment, and Retention Item Performance

Item 33. Standards Applied Equally

Description of Systemic Factor Item: The foster and adoptive parent licensing, recruitment, and retention system is functioning statewide to ensure that state standards are applied to all licensed or approved foster family homes or child care institutions receiving title IV-B or IV-E funds.

- Florida received an overall rating of Strength for Item 33 based on information from the statewide assessment and stakeholder interviews.
- Information in the statewide assessment and from stakeholder interviews indicated that Florida's foster and adoptive parent licensing, recruitment, and retention system standards are applied equally across the state. The statewide assessment indicated that Florida uses a Unified Home Study for purposes of approving and licensing caregiver homes. The CBCs and child placing agencies complete the training and home studies in their areas, and state licensing specialists monitor the licensing process quarterly. Stakeholders confirmed consistent compliance with the licensing standard across the state.

Item 34. Requirements for Criminal Background Checks

Description of Systemic Factor Item: The foster and adoptive parent licensing, recruitment, and retention system is functioning statewide to ensure that the state complies with federal requirements for criminal background clearances as related to licensing or approving foster care and adoptive placements and has in place a case planning process that includes provisions for addressing the safety of foster care and adoptive placements for children.

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- Florida received an overall rating of Area Needing Improvement for Item 34 based on information from the statewide assessment and stakeholder interviews.
- Information in the statewide assessment and collected during interviews with stakeholders showed that completion of initial criminal background checks is a fundamental aspect of placement and licensing decisions for relative and non-relative caregivers and child care institutions. Florida also conducts additional checks on an ongoing basis as well as abuse-and-neglect record checks and scans of local law enforcement information. However, neither the statewide assessment nor stakeholders addressed processes for addressing the safety of foster care and adoptive placements for children already in care when a safety concern is identified during a new background check. Due to the lack of this information, this item is rated as an Area Needing Improvement.

Item 35. Diligent Recruitment of Foster and Adoptive Homes

Description of Systemic Factor Item: The foster and adoptive parent licensing, recruitment, and retention system is functioning to ensure that the process for ensuring the diligent recruitment of potential foster and adoptive families who reflect the ethnic and racial diversity of children in the state for whom foster and adoptive homes are needed is occurring statewide.

- Florida received an overall rating of Area Needing Improvement for Item 35 based on information from the statewide assessment and stakeholder interviews.
- Information in the statewide assessment and collected during stakeholder interviews showed that each of the CBC agencies develops individualized plans aimed at recruiting foster families who reflect the ethnic and cultural needs of foster children in their local system of care. These recruitment plans become part of regional and statewide plans that are intended to fulfill specific foster and adoptive home goals using prior year data. However, the effectiveness of this approach to recruitment could not be demonstrated. Despite these efforts, stakeholders noted significant home shortages and retention challenges.

Item 36. State Use of Cross-Jurisdictional Resources for Permanent Placements

Description of Systemic Factor Item: The foster and adoptive parent licensing, recruitment, and retention system is functioning to ensure that the process for ensuring the effective use of cross-jurisdictional resources to facilitate timely adoptive or permanent placements for waiting children is occurring statewide.

- Florida received an overall rating of Area Needing Improvement for Item 36 based on information from the statewide assessment and stakeholder interviews.
- Information provided in the statewide assessment and collected during interviews with stakeholders showed that the state's use of cross-jurisdictional resources to facilitate timely adoptive or permanent placements for waiting children is not occurring effectively statewide. The state has border agreements with Georgia, and is working on additional state-to-state agreements. The state is an active participant in the Interstate Compact on the Placement of Children (ICPC), with one of the highest number of requests for placement across state lines in the country. Florida provided information showing that a substantial number of incoming home study requests are not completed timely.

Appendix A: Summary of Florida 2016 CFSR Performance

**Appendix A
Summary of Florida 2016 Child and Family Services Review Performance**

I. Ratings for Safety, Permanency, and Well-Being Outcomes and Items

Outcome Achievement: Outcomes may be rated as in substantial conformity or not in substantial conformity. 95% of the applicable cases reviewed must be rated as having substantially achieved the outcome for the state to be in substantial conformity with the outcome.

Item Achievement: Items may be rated as a Strength or as an Area Needing Improvement. For an overall rating of Strength, 90% of the cases reviewed for the item (with the exception of Item 1 and Item 16) must be rated as a Strength. Because Item 1 is the only item for Safety Outcome 1 and Item 16 is the only item for Well-Being Outcome 2, the requirement of a 95% Strength rating applies.

SAFETY OUTCOME 1: CHILDREN ARE, FIRST AND FOREMOST, PROTECTED FROM ABUSE AND NEGLECT.

Data Element	Overall Determination	State Performance
Safety Outcome 1 Children are, first and foremost, protected from abuse and neglect	Not in Substantial Conformity	91% Substantially Achieved
Item 1 Timeliness of investigations	Area Needing Improvement	91% Strength

SAFETY OUTCOME 2: CHILDREN ARE SAFELY MAINTAINED IN THEIR HOMES WHENEVER POSSIBLE AND APPROPRIATE.

Data Element	Overall Determination	State Performance
Safety Outcome 2 Children are safely maintained in their homes whenever possible and appropriate	Not in Substantial Conformity	70% Substantially Achieved
Item 2 Services to protect child(ren) in home and prevent removal or re-entry into foster care	Area Needing Improvement	76% Strength
Item 3 Risk and safety assessment and management	Area Needing Improvement	71% Strength

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PERMANENCY OUTCOME 1: CHILDREN HAVE PERMANENCY AND STABILITY IN THEIR LIVING SITUATIONS.

Data Element	Overall Determination	State Performance
Permanency Outcome 1 Children have permanency and stability in their living situations	Not in Substantial Conformity	49% Substantially Achieved
Item 4 Stability of foster care placement	Area Needing Improvement	82% Strength
Item 5 Permanency goal for child	Area Needing Improvement	75% Strength
Item 6 Achieving reunification, guardianship, adoption, or other planned permanent living arrangement	Area Needing Improvement	67% Strength

PERMANENCY OUTCOME 2: THE CONTINUITY OF FAMILY RELATIONSHIPS AND CONNECTIONS IS PRESERVED FOR CHILDREN.

Data Element	Overall Determination	State Performance
Permanency Outcome 2 The continuity of family relationships and connections is preserved for children	Not in Substantial Conformity	69% Substantially Achieved
Item 7 Placement with siblings	Area Needing Improvement	85% Strength
Item 8 Visiting with parents and siblings in foster care	Area Needing Improvement	69% Strength
Item 9 Preserving connections	Area Needing Improvement	82% Strength
Item 10 Relative placement	Area Needing Improvement	72% Strength
Item 11 Relationship of child in care with parents	Area Needing Improvement	60% Strength

Appendix A: Summary of Florida 2016 CFSR Performance

WELL-BEING OUTCOME 1: FAMILIES HAVE ENHANCED CAPACITY TO PROVIDE FOR THEIR CHILDREN'S NEEDS.

Data Element	Overall Determination	State Performance
Well-Being Outcome 1 Families have enhanced capacity to provide for their children's needs	Not in Substantial Conformity	40% Substantially achieved
Item 12 Needs and services of child, parents, and foster parents	Area Needing Improvement	51% Strength
Sub-Item 12A Needs assessment and services to children	Area Needing Improvement	88% Strength
Sub-Item 12B Needs assessment and services to parents	Area Needing Improvement	55% Strength
Sub-Item 12C Needs assessment and services to foster parents	Area Needing Improvement	80% Strength
Item 13 Child and family involvement in case planning	Area Needing Improvement	64% Strength
Item 14 Caseworker visits with child	Area Needing Improvement	73% Strength
Item 15 Caseworker visits with parents	Area Needing Improvement	43% Strength

WELL-BEING OUTCOME 2: CHILDREN RECEIVE APPROPRIATE SERVICES TO MEET THEIR EDUCATIONAL NEEDS.

Data Element	Overall Determination	State Performance
Well-Being Outcome 2 Children receive appropriate services to meet their educational needs	Not in Substantial Conformity	92% Substantially Achieved
Item 16 Educational needs of the child	Area Needing Improvement	92% Strength

Appendix A: Summary of Florida 2016 CFSR Performance

WELL-BEING OUTCOME 3: CHILDREN RECEIVE ADEQUATE SERVICES TO MEET THEIR PHYSICAL AND MENTAL HEALTH NEEDS.

Data Element	Overall Determination	State Performance
Well-Being Outcome 3 Children receive adequate services to meet their physical and mental health needs	Not in Substantial Conformity	75% Substantially Achieved
Item 17 Physical health of the child	Area Needing Improvement	85% Strength
Item 18 Mental/behavioral health of the child	Area Needing Improvement	72% Strength

II. Ratings for Systemic Factors

The Children's Bureau determines whether a state is in substantial conformity with federal requirements for the 7 systemic factors based on the level of functioning of each systemic factor across the state. The Children's Bureau determines substantial conformity with the systemic factors based on ratings for the item or items within each factor. Performance on 5 of the 7 systemic factors is determined on the basis of ratings for multiple items or plan requirements. For a state to be found in substantial conformity with these systemic factors, the Children's Bureau must find that no more than 1 of the required items for that systemic factor fails to function as required. For a state to be found in substantial conformity with the 2 systemic factors that are determined based on the rating of a single item, the Children's Bureau must find that the item is functioning as required.

STATEWIDE INFORMATION SYSTEM

Data Element	Source of Data and Information	State Performance
Statewide Information System	Statewide Assessment and Stakeholder Interviews	Not in Substantial Conformity
Item 19 Statewide Information System	Statewide Assessment and Stakeholder Interviews	Area Needing Improvement

Appendix A: Summary of Florida 2016 CFSR Performance

CASE REVIEW SYSTEM

Data Element	Source of Data and Information	State Performance
Case Review System	Statewide Assessment and Stakeholder Interviews	Not in Substantial Conformity
Item 20 Written Case Plan	Statewide Assessment	Area Needing Improvement
Item 21 Periodic Reviews	Statewide Assessment and Stakeholder Interviews	Strength
Item 22 Permanency Hearings	Statewide Assessment and Stakeholder Interviews	Strength
Item 23 Termination of Parental Rights	Statewide Assessment and Stakeholder Interviews	Area Needing Improvement
Item 24 Notice of Hearings and Reviews to Caregivers	Statewide Assessment and Stakeholder Interviews	Area Needing Improvement

QUALITY ASSURANCE SYSTEM

Data Element	Source of Data and Information	State Performance
Quality Assurance System	Statewide Assessment	In Substantial Conformity
Item 25 Quality Assurance System	Statewide Assessment	Strength

STAFF AND PROVIDER TRAINING

Data Element	Source of Data and Information	State Performance
Staff and Provider Training	Statewide Assessment and Stakeholder Interviews	In Substantial Conformity
Item 26 Initial Staff Training	Statewide Assessment	Strength
Item 27 Ongoing Staff Training	Statewide Assessment and Stakeholder Interviews	Strength

Appendix A: Summary of Florida 2016 CFSR Performance

Data Element	Source of Data and Information	State Performance
Item 28 Foster and Adoptive Parent Training	Statewide Assessment and Stakeholder Interviews	Area Needing Improvement

SERVICE ARRAY AND RESOURCE DEVELOPMENT

Data Element	Source of Data and Information	State Performance
Service Array and Resource Development	Statewide Assessment and Stakeholder Interviews	Not in Substantial Conformity
Item 29 Array of Services	Statewide Assessment and Stakeholder Interviews	Area Needing Improvement
Item 30 Individualizing Services	Statewide Assessment and Stakeholder Interviews	Area Needing Improvement

AGENCY RESPONSIVENESS TO THE COMMUNITY

Data Element	Source of Data and Information	State Performance
Agency Responsiveness to the Community	Statewide Assessment and Stakeholder Interviews	In Substantial Conformity
Item 31 State Engagement and Consultation With Stakeholders Pursuant to CFSP and APSR	Statewide Assessment and Stakeholder Interviews	Strength
Item 32 Coordination of CFSP Services With Other Federal Programs	Statewide Assessment and Stakeholder Interviews	Area Needing Improvement

Appendix A: Summary of Florida 2016 CFSR Performance

FOSTER AND ADOPTIVE PARENT LICENSING, RECRUITMENT, AND RETENTION

Data Element	Source of Data and Information	State Performance
Foster and Adoptive Parent Licensing, Recruitment, and Retention	Statewide Assessment and Stakeholder Interviews	Not in Substantial Conformity
Item 33 Standards Applied Equally	Statewide Assessment and Stakeholder Interviews	Strength
Item 34 Requirements for Criminal Background Checks	Statewide Assessment and Stakeholder Interviews	Area Needing Improvement
Item 35 Diligent Recruitment of Foster and Adoptive Homes	Statewide Assessment and Stakeholder Interviews	Area Needing Improvement
Item 36 State Use of Cross-Jurisdictional Resources for Permanent Placements	Statewide Assessment and Stakeholder Interviews	Area Needing Improvement

III. Performance on Statewide Data Indicators⁷

The state's performance is considered against the national performance for each statewide data indicator and provides contextual information for considering the findings. This information is not used in conformity decisions. State performance may be statistically above, below, or no different than the national performance. If a state did not provide the required data or did not meet the applicable item data quality limits, the Children's Bureau did not calculate the state's performance for the statewide data indicator.

Statewide Data Indicator	National Performance	Direction of Desired Performance	RSP*	95% Confidence Interval**	Data Period(s) Used for State Performance***
Recurrence of maltreatment	9.1	Lower	8.8%	8.5%–9.1%	FY13–14
Maltreatment in foster care (victimizations per 100,000 days in care)	8.5	Lower	12.89	11.92–13.94	14A–14B, FY14

⁷ In October 2016, the Children's Bureau issued Technical Bulletin #9 (<http://www.acf.hhs.gov/cb/resource/cfsr-technical-bulletin-9>), which alerted states to the fact that there were technical errors in the syntax used to calculate the national and state performance for the statewide data indicators. The syntax revision is still underway, so performance shown in this table is based on the 2015 Federal Register syntax.

Appendix A: Summary of Florida 2016 CFSR Performance

Statewide Data Indicator	National Performance	Direction of Desired Performance	RSP*	95% Confidence Interval**	Data Period(s) Used for State Performance***
Permanency in 12 months for children entering foster care	40.5%	Higher	49.7%	48.9%–50.5%	12B–15A
Permanency in 12 months for children in foster care 12-23 months	43.6%	Higher	50.5%	49.1%–51.9%	14B–15A
Permanency in 12 months for children in foster care 24 months or more	30.3%	Higher	36.1%	34.7%–37.4%	14B–15A
Re-entry to foster care in 12 months	8.3%	Lower	9.9%	9.1%–10.7%	12B–15A
Placement stability (moves per 1,000 days in care)	4.12	Lower	5.18	5.09–5.27	14B–15A

* **Risk-Standardized Performance (RSP)** is derived from a multi-level statistical model and reflects the state's performance relative to states with similar children and takes into account the number of children the state served, the age distribution of these children, and, for some indicators, the state's entry rate. It uses risk-adjustment to minimize differences in outcomes due to factors over which the state has little control and provides a more fair comparison of state performance against the national performance.

** **95% Confidence Interval** is the 95% confidence interval estimate for the state's RSP. The values shown are the lower RSP and upper RSP of the interval estimate. The interval accounts for the amount of uncertainty associated with the RSP. For example, the CB is 95% confident that the true value of the RSP is between the lower and upper limit of the interval.

*** **Data Period(s) Used for State Performance:** Refers to the initial 12-month period and the period(s) of data needed to follow the children to observe their outcomes. The FY or federal fiscal year refers to NCANDS data, which spans the 12-month period October 1 – September 30. All other periods refer to AFCARS data. "A" refers to the 6-month period October 1 – March 31. "B" refers to the 6-month period April 1 – September 30. The 2-digit year refers to the calendar year in which the period ends.

Appendix B: Florida 2008 CFSR Key Findings

Appendix B Summary of CFSR Round 2 Florida 2008 Key Findings

The Children's Bureau conducted a CFSR in Florida in 2008. Key findings from that review are presented below. Because the Children's Bureau made several changes to the CFSR process and items and indicators relevant for performance based on lessons learned during the second round and in response to feedback from the child welfare field, a state's performance in the third round of the CFSR is not directly comparable to its performance in the second round.

Identifying Information and Review Dates

General Information
Children's Bureau Region: 4
Date of Onsite Review: January 7–11, 2008
Period Under Review: October 1, 2006, through January 11, 2008
Date Courtesy Copy of Final Report Issued: October 17, 2008
Date Program Improvement Plan Due: January 17, 2009
Date Program Improvement Plan Approved: July 1, 2009

Highlights of Findings

Performance Measurements
A. The State met the national standards for two of the six standards.
B. The State achieved substantial conformity with none of the seven outcomes.
C. The State achieved substantial conformity with four of the seven systemic factors.

Appendix B: Florida 2008 CFSR Key Findings

State's Conformance With the National Standards

Data Indicator or Composite	National Standard	State's Score	Meets or Does Not Meet Standard
Absence of maltreatment recurrence (data indicator)	94.6 or higher	89.7	Does Not Meet Standard
Absence of child abuse and/or neglect in foster care (data indicator)	99.68 or higher	99.43	Does Not Meet Standard
Timeliness and permanency of reunifications (Permanency Composite 1)	122.6 or higher	111.7	Does Not Meet Standard
Timeliness of adoptions (Permanency Composite 2)	106.4 or higher	124.2	Meets Standard
Permanency for children and youth in foster care for long periods of time (Permanency Composite 3)	121.7 or higher	125.7	Meets Standard
Placement stability (Permanency Composite 4)	101.5 or higher	88.1	Does Not Meet Standard

State's Conformance With the Outcomes

Outcome	Achieved or Did Not Achieve Substantial Conformity
Safety Outcome 1: Children are, first and foremost, protected from abuse and neglect.	Did Not Achieve Substantial Conformity
Safety Outcome 2: Children are safely maintained in their homes whenever possible and appropriate.	Did Not Achieve Substantial Conformity
Permanency Outcome 1: Children have permanency and stability in their living situations.	Did Not Achieve Substantial Conformity

Appendix B: Florida 2008 CFSR Key Findings

Outcome	Achieved or Did Not Achieve Substantial Conformity
Permanency Outcome 2: The continuity of family relationships and connections is preserved for children.	Did Not Achieve Substantial Conformity
Child and Family Well-Being Outcome 1: Families have enhanced capacity to provide for their children's needs.	Did Not Achieve Substantial Conformity
Child and Family Well-Being Outcome 2: Children receive appropriate services to meet their educational needs.	Did Not Achieve Substantial Conformity
Child and Family Well-Being Outcome 3: Children receive adequate services to meet their physical and mental health needs.	Did Not Achieve Substantial Conformity

State's Conformance With the Systemic Factors

Systemic Factor	Achieved or Did Not Achieve Substantial Conformity
Statewide Information System	Achieved Substantial Conformity
Case Review System	Did Not Achieve Substantial Conformity
Quality Assurance System	Achieved Substantial Conformity
Staff and Provider Training	Did Not Achieve Substantial Conformity
Service Array and Resource Development	Did Not Achieve Substantial Conformity
Agency Responsiveness to the Community	Achieved Substantial Conformity
Foster and Adoptive Parent Licensing, Recruitment, and Retention	Achieved Substantial Conformity

Appendix B: Florida 2008 CFSR Key Findings

Key Findings by Item

Outcomes

Item	Strength or Area Needing Improvement
Item 1. Timeliness of Initiating Investigations of Reports of Child Maltreatment	Strength
Item 2. Repeat Maltreatment	Area Needing Improvement
Item 3. Services to Family to Protect Child(ren) in the Home and Prevent Removal or Re-entry Into Foster Care	Area Needing Improvement
Item 4. Risk Assessment and Safety Management	Area Needing Improvement
Item 5. Foster Care Re-entries	Strength
Item 6. Stability of Foster Care Placement	Area Needing Improvement
Item 7. Permanency Goal for Child	Area Needing Improvement
Item 8. Reunification, Guardianship, or Permanent Placement With Relatives	Area Needing Improvement
Item 9. Adoption	Area Needing Improvement
Item 10. Other Planned Permanent Living Arrangement	Area Needing Improvement
Item 11. Proximity of Foster Care Placement	Strength
Item 12. Placement With Siblings	Area Needing Improvement
Item 13. Visiting With Parents and Siblings in Foster Care	Area Needing Improvement
Item 14. Preserving Connections	Area Needing Improvement
Item 15. Relative Placement	Area Needing Improvement
Item 16. Relationship of Child in Care With Parents	Area Needing Improvement
Item 17. Needs and Services of Child, Parents, and Foster Parents	Area Needing Improvement
Item 18. Child and Family Involvement in Case Planning	Area Needing Improvement

Appendix B: Florida 2008 CFSR Key Findings

Item	Strength or Area Needing Improvement
Item 19. Caseworker Visits With Child	Area Needing Improvement
Item 20. Caseworker Visits With Parents	Area Needing Improvement
Item 21. Educational Needs of the Child	Area Needing Improvement
Item 22. Physical Health of the Child	Area Needing Improvement
Item 23. Mental/Behavioral Health of the Child	Area Needing Improvement

Systemic Factors

Item	Strength or Area Needing Improvement
Item 24. Statewide Information System	Strength
Item 25. Written Case Plan	Area Needing Improvement
Item 26. Periodic Reviews	Strength
Item 27. Permanency Hearings	Strength
Item 28. Termination of Parental Rights	Area Needing Improvement
Item 29. Notice of Hearings and Reviews to Caregivers	Area Needing Improvement
Item 30. Standards Ensuring Quality Services	Strength
Item 31. Quality Assurance System	Strength
Item 32. Initial Staff Training	Area Needing Improvement
Item 33. Ongoing Staff Training	Area Needing Improvement
Item 34. Foster and Adoptive Parent Training	Area Needing Improvement
Item 35. Array of Services	Area Needing Improvement
Item 36. Service Accessibility	Area Needing Improvement
Item 37. Individualizing Services	Area Needing Improvement
Item 38. Engagement in Consultation With Stakeholders	Strength
Item 39. Agency Annual Reports Pursuant to CFSP	Strength

Appendix B: Florida 2008 CFSR Key Findings

Item	Strength or Area Needing Improvement
Item 40. Coordination of CFSP Services With Other Federal Programs	Strength
Item 41. Standards for Foster Homes and Institutions	Strength
Item 42. Standards Applied Equally	Strength
Item 43. Requirements for Criminal Background Checks	Strength
Item 44. Diligent Recruitment of Foster and Adoptive Homes	Strength
Item 45. State Use of Cross-Jurisdictional Resources for Permanent Placements	Strength



Florida's Early Childhood Courts

Improving Outcomes for Infants & Toddlers in Child Welfare



Dr. Mimi A. Graham, Director

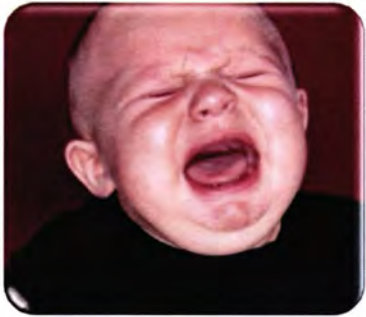
FSU Center for Prevention & Early Intervention Policy

*If we use science and do our jobs well,
we can change the tragedy that brings children and
families into our courtrooms into an opportunity to heal.*



What if we could see the hurt child underneath each person that comes into our courts?





Adverse Childhood Experiences
increase the risk of...



Substance Abuse



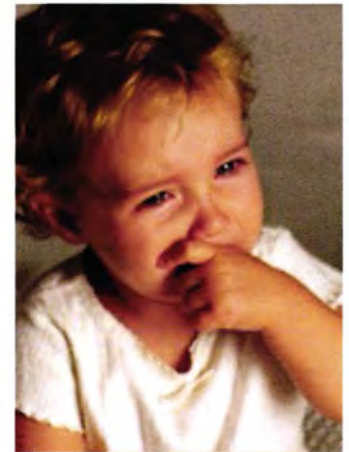
Mental Health



Delinquency



Domestic Violence



Child Welfare



Obesity



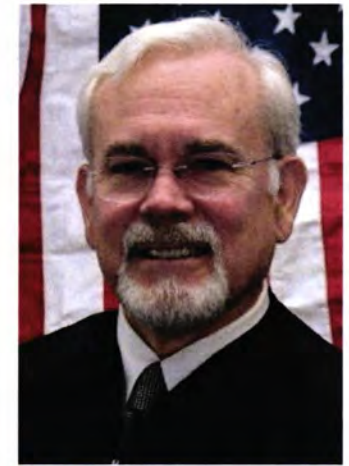
Smoking



Drinking



Poor Health



Court Involvement

Multigenerational Cycle of Adversity



Adverse
Childhood
Experience



High Risk
Teen Years



Adverse
Adult
Experience

ACE
Transmission
Risk

Asthma
Cardiovascular Disease
Cancer
Anxiety
Hopelessness
Suicide Attempts
Current Depression
Mental Illness
Insufficient Sleep
Victim of Sexual Assault
Victim of IPV
Current Smoking
Binge Drinking
Alcoholism
High Risk for HIV
Promiscuity (≥30)
Drug Abuse
IV Drug Use
Painkillers to Get High
Drunk Driving
Adult Incarceration
≥ 14 Days MH Interrupts Work
≥ 14 Unhealthy P or MH Days
Spec. Equip. Needed
Fair or Poor Health
Activity Limits Health
Divorce/Separation
Life Dissatisfaction



*To stop the
intergenerational
cycle of adversity,
Baby Court shifts
from an*

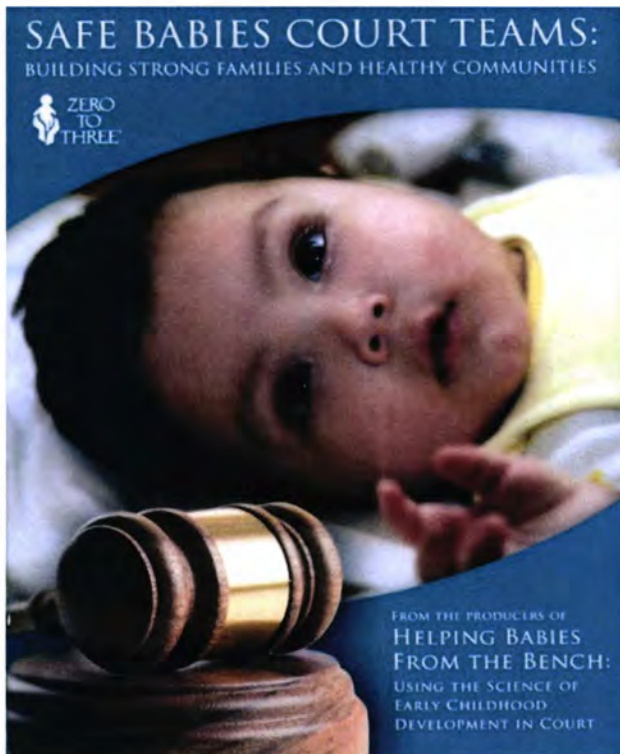
Adversarial

to a
Therapeutic

Approach.

Florida's Model Based on the Safe Babies Team Approach

An Evidence Based Model to Improve Safety, Permanency, & Well-Being for 0-3 Child Welfare



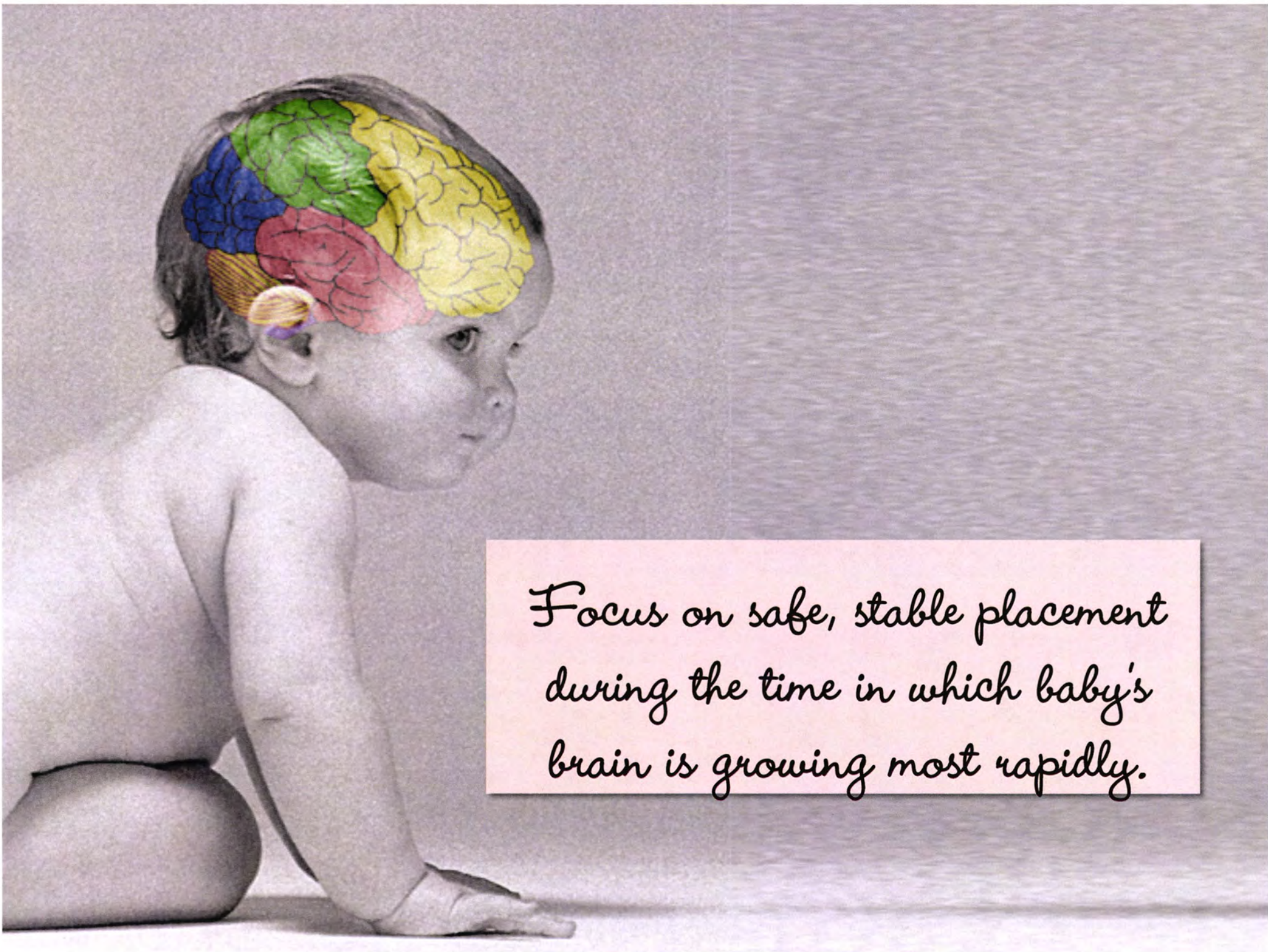
99%
protected from further maltreatment

97%
received services that met identified needs

95%
achieved permanency

Children existed foster care about
one year earlier than matched sample.

Source: James Bell Associates (2009). National Survey of Child and Adolescent Well-Being (n=511), the children served by the Safe Babies Court Teams across four sites (n=298).

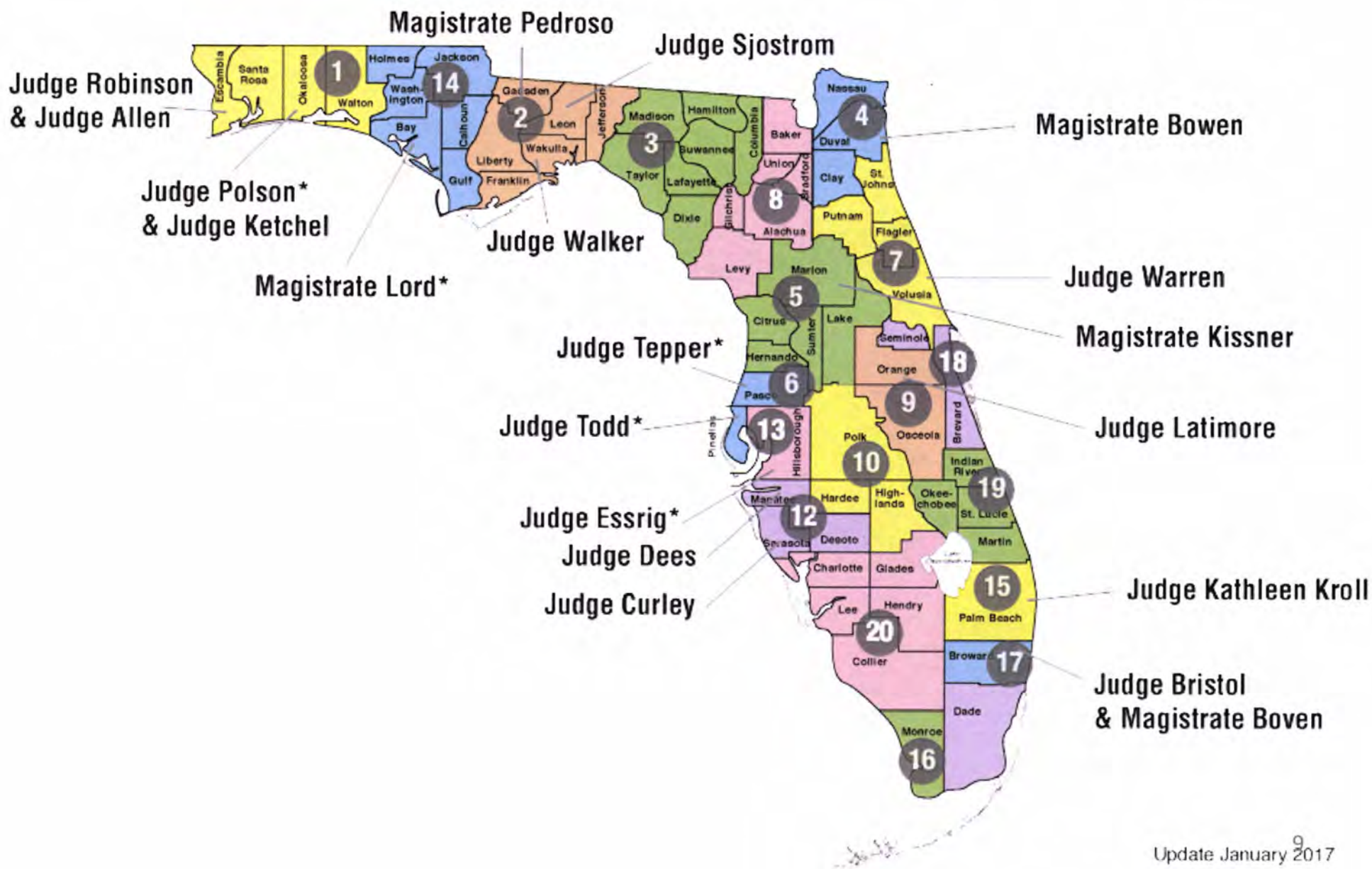


Focus on safe, stable placement during the time in which baby's brain is growing most rapidly.



FLORIDA'S Early Childhood COURT

18 Court Sites with 249 children as of 1/31/17



What is Baby Court?

Monthly Teams/Court Hearings

Quickly solves problems,
Holds everyone accountable

Frequent Visitation

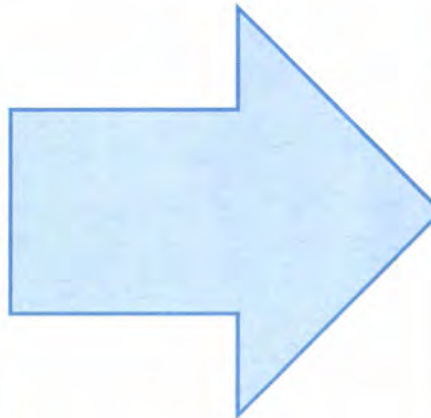
Builds Attachment & Motivates
Parents in the Process

Child Parent Therapy

Heals two generational trauma &
Repairs Relationship

Community Coordinator

Fast Tracks Families to integrated
Trauma Informed Services



**Accelerates
Permanency**

**Reduces
Re-abuse**

**Enhances
Well-Being**



Child Parent Psychotherapy (CPP)



Trauma-Informed
A Top-Shelf Evidenced Based Intervention

Promotes healing of
Two Generations

Increases
Parenting Capacity

Covered by
Medicaid



Are Services Different? No, but...

It's a systems change with a culture of a supportive team engaging families in fast-tracked integrated services.

Finger Wagging Judge



Trauma Informed Judge



Baby Court's Trauma Informed Teams



– Florida's 6th Judicial Circuit, Judge Lynn Tepper

How Different than Typical Dependency?



Trauma-Informed Judge
triages families with problem solving team to ensure therapeutic services for child & family. Concurrent planning from the beginning.



Multidisciplinary Team
engages family in case planning and fast tracks services like drug treatment & housing necessary for recovery.



Best Interest of the Child
Links to developmental supports & quality early learning experiences.



Addresses Key Non-Compliance Areas in Florida's Child & Family Services Review



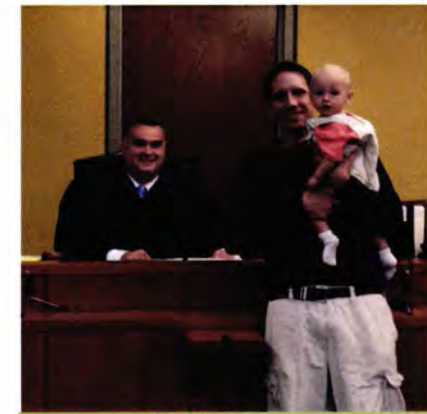
**Family
Engagement**



Mental Health



Visitation



**Stable
Placements**



Safe Parenting



**Reducing
Re-abuse**



Well-Being



**Expedited
Permanency**

Which Parents Are Most Successful?



Baby Court's Trauma Informed Judges

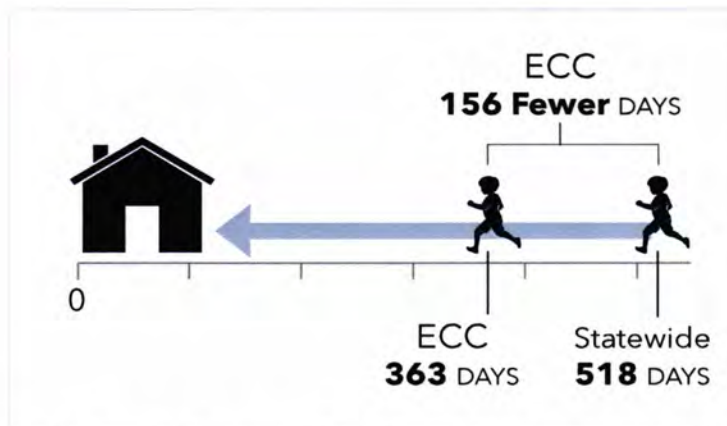


– Florida's 17th Judicial Circuit, Judge Hope Bristol

Potential Savings



Reduces Time in Out-of-Home Care



Florida Statewide Outcomes vs Early Childhood Court Cases Ages 0-3 in 2016

Florida Tax Watch estimates **\$70,000 per year per child in out-of-home care** or **\$192 per day for 7,456 children under age 3 (1/31/17)**.

This equates to **\$223 million per year potential savings to Florida taxpayers** if all children ages 0-3 got Baby Court. (*\$192 per day savings per child x 156 fewer days in care = \$29,952 per child x 7,456 children*).

This is just the tip of the iceberg of taxpayer savings. Millions more dollars could potentially be saved by reducing re-abuse, like Safe Baby Court Team was able to do with a 99% reduction.

How are Baby Courts Funded?

- Tiny FSU grant initiated original two pilot sites.
- NO new dollars.
- Leveraging existing community resources. For example, a few CBCs have contributed a community coordinator.
- Medicaid pays for child parent therapy but not clinician time with courts.
- FSU has spearheaded trauma training, expanded clinical capacity, and developed standards.
- Office of Court Improvement has supported judges, housed statewide coordinator, and created data tracking system.



Baby Court's Trauma Informed Judges



– Florida's 2nd Judicial Circuit, Chief Judge Jonathan Sjostrom

Thank you!



**Dr. Mimi A.
Graham, Director**

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Center for Prevention & Early
Intervention Policy

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