

Tab 1	SB 274 by Rodriguez; (Similar to H 00123) Child Water Safety Requirements						
602376	A	S	RCS	CF, Rodriguez	btw L.81 - 82:	02/06 09:49 AM	
Tab 2	SB 776 by Powell; (Compare to CS/H 00409) Temporary Cash Assistance Eligibility						
194328	A	S	RCS	CF, Powell	Delete L.31 - 36:	02/06 09:49 AM	
Tab 3	SB 1180 by Harrell; (Compare to CS/H 01065) Substance Abuse Treatment						
770418	A	S	RCS	CF, Harrell	Delete L.125 - 289:	02/06 09:49 AM	
Tab 4	SPB 7052 by CF; Economic Self-sufficiency						

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

CHILDREN, FAMILIES, AND ELDER AFFAIRS

Senator Garcia, Chair

Senator Thompson, Vice Chair

MEETING DATE: Tuesday, February 6, 2024

TIME: 8:30—11:00 a.m.

PLACE: Mallory Horne Committee Room, 37 Senate Building

MEMBERS: Senator Garcia, Chair; Senator Thompson, Vice Chair; Senators Avila, Baxley, Book, Bradley, and Rouson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 274 Rodriguez (Similar H 123)	Child Water Safety Requirements; Citing this act as the "Kareem Angel Green Act"; providing that certain organizations that care for or supervise children must require parents or legal guardians to attest to certain information in writing before taking such children to public bathing places and public swimming pools; providing requirements for such organizations when they conduct certain activities in public bathing places or public swimming pools, etc. HP 01/30/2024 Favorable CF 02/06/2024 Fav/CS RC	Fav/CS Yeas 7 Nays 0
2	SB 776 Powell (Compare CS/H 409)	Temporary Cash Assistance Eligibility; Revising eligibility requirements for receiving temporary cash assistance; deleting an exception that allowed denial of such benefits for individuals with a specified drug conviction; providing that the state fully opts out of a specified federal law, etc. CF 02/06/2024 Fav/CS AHS FP	Fav/CS Yeas 7 Nays 0
3	SB 1180 Harrell (Compare CS/H 1065, H 1583, CS/S 1636)	Substance Abuse Treatment; Providing the levels of care at certified recovery residences and their respective levels of care for residents; defining the term "community housing"; requiring the certified recovery residence to retain a certified recovery residence administrator if the previous certified recovery residence administrator has been removed due to any reason; prohibiting certified recovery residences, on or after a specified date, from denying an individual access to housing solely for being prescribed federally approved medications from licensed health care professionals, etc. CF 02/06/2024 Fav/CS AHS AP	Fav/CS Yeas 7 Nays 0

Consideration of proposed bill:

COMMITTEE MEETING EXPANDED AGENDA

Children, Families, and Elder Affairs

Tuesday, February 6, 2024, 8:30—11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SPB 7052	Economic Self-sufficiency; Providing that a participant has good cause for noncompliance with work requirements for a specified time period under certain circumstances; providing requirements for staff members of local workforce development boards when interviewing participants; requiring benefit management and career planning using a specified tool as part of the state’s one-stop delivery system; requiring the Department of Commerce to develop certain training; authorizing certain participants to participate in certain programs or courses for a specified number of hours per week, etc.	Submitted and Reported Favorably as Committee Bill Yeas 7 Nays 0
(Preliminary Draft Available - final draft will be made available at least 24 hours prior to the meeting)			
5	Presentation on the Comprehensive Child Welfare Information System Update by Department of Children and Families		Presented
Other Related Meeting Documents			

By Senator Rodriguez

40-00615A-24

2024274__

1 A bill to be entitled
2 An act relating to child water safety requirements;
3 providing a short title; creating s. 514.073, F.S.;
4 defining terms; providing that certain organizations
5 that care for or supervise children must require
6 parents or legal guardians to attest to certain
7 information in writing before taking such children to
8 public bathing places and public swimming pools;
9 providing requirements for such organizations when
10 they conduct certain activities in public bathing
11 places or public swimming pools; providing an
12 exception; providing for disciplinary action for
13 certain violations; providing applicability;
14 authorizing the Department of Health to adopt rules;
15 providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. This act may be cited as the "Kareem Angel Green
20 Act."

21 Section 2. Section 514.073, Florida Statutes, is created to
22 read:

23 514.073 Child water safety requirements for certain
24 entities.-

25 (1) As used in this section, the term:

26 (a) "Child" means a person younger than 12 years of age.

27 (b) "Organization" means a summer day camp, a summer 24-
28 hour camp, a school, a preschool, a kindergarten, a nursery
29 school, or a child care facility as defined in s. 402.302.

40-00615A-24

2024274__

30 (c) "Public swimming pool" has the same meaning as in s.
31 514.011(2) but does not include a wading pool.

32 (d) "Wading pool" means a pool, including a pool that
33 contains a public interactive water feature or fountain, with a
34 maximum water depth of no more than 18 inches.

35 (2) An organization that takes a child in its care or under
36 its supervision to a public bathing place or public swimming
37 pool or otherwise allows a child access to a public bathing
38 place or public swimming pool must require the child's parent or
39 legal guardian to attest in writing whether the child is able to
40 swim or is at risk of injury or death when swimming or otherwise
41 accessing a pool or body of water.

42 (3) Except as provided in subsection (4), if an
43 organization conducts an activity that provides a child in its
44 care or under its supervision access to a public bathing place
45 or public swimming pool, during the time each child who is
46 unable to swim or is at risk of injury or death when swimming or
47 accessing a body of water is present within a fenced-in area
48 around a public bathing place or public swimming pool, or within
49 100 feet of a public bathing place or public swimming pool
50 without a fenced-in area, the organization must:

51 (a) For a public bathing place, provide to the child a Type
52 II United States Coast Guard-approved personal flotation device.

53 (b) For a public swimming pool, provide to the child a Type
54 II or Type III United States Coast Guard-approved personal
55 flotation device.

56 (c) Ensure that the personal flotation device that it
57 provides to the child is properly fitted to and fastened on the
58 child.

40-00615A-24

2024274__

59 (4) An organization need not provide a child with a
60 personal flotation device as required under subsection (3) if
61 the child is actively participating in swimming instruction or a
62 swimming competition and the organization ensures that each such
63 child is supervised during the instruction or competition.

64 (5) An organization licensed or otherwise regulated by the
65 state which violates this section or rules adopted pursuant to
66 this section is subject to disciplinary action, including, but
67 not limited to, the imposition of an administrative penalty by
68 any state regulatory agency with the power to take disciplinary
69 action against that organization in the same manner as if the
70 organization violated that agency's licensing or other
71 regulatory laws or rules.

72 (6) This section does not apply to:

73 (a) Residential boarding schools that allow an employee, a
74 family member of an employee, or a guest of an employee to use a
75 body of water at the school for recreational purposes.

76 (b) Child-placing agencies, family foster homes, or
77 residential child-caring agencies as those terms are defined in
78 s. 409.175(2).

79 (c) A child care facility licensed under s. 402.305.

80 (7) The department may adopt rules necessary to implement
81 this section.

82 Section 3. This act shall take effect July 1, 2024.

APPEARANCE RECORD

SB 274

Bill Number or Topic

2/6/2024

Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting

Children Families, Elder

Committee

Amendment Barcode (if applicable)

Name Shauntel Smith

Phone (407) 855-7604

Address 1747 Orlando Central Parkway

Email legislation@floridapta.org

Street

Orlando

City

FL

State

32809

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by: Florida PTA

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Health Policy

BILL: CS/SB 274

INTRODUCER: Children, Families, and Elder Affairs and Senator Rodriguez

SUBJECT: Child Water Safety Requirements

DATE: February 6, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Looke</u>	<u>Brown</u>	<u>HP</u>	Favorable
2.	<u>Rao</u>	<u>Tuszynski</u>	<u>CF</u>	Fav/CS
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 274 creates the Kareem Angel Green Act to require certain organizations that bring a child in its care to a public bathing place or public swimming pool to require the child's parent or legal guardian to attest whether the child is able to swim or is at risk in the water. If the child is at risk in the water, the organization must provide a specified flotation device to the child and ensure that the flotation device is properly fitted and fastened when the child is within a fenced-in area containing a public bathing place or pool or if the child is within 100 feet of an unfenced public bathing place or pool. The requirement to provide a flotation device does not apply to an organization providing swimming instruction or a swimming competition. Additionally, the bill provides specified types of organizations that are exempt from its requirements.

The bill authorizes the Department of Health (DOH) to adopt rules to administer the bill's provisions and provides that organizations in violation are subject to disciplinary action by any state agency that has jurisdiction over that type of organization. The bill also requires DOH to include information relevant to newborn and infant drowning prevention in a publication available to health care facilities.

The bill provides an effective date of July 1, 2024.

II. Present Situation:

The Danger of Drowning

Drowning is one of the leading causes of accidental death among children. For all ages, the current annual global estimate is 295,000 drowning deaths, although this figure is thought to underreport fatal drowning, in particular boating and disaster related drowning mortality.

Drowning disproportionately impacts children and young people, with over half of all drowning deaths occurring among people younger than 25 years old. In many countries, children under five years of age represent the highest rate of fatal and non-fatal drowning, with incidents commonly occurring in swimming pools and bathtubs in high-income countries and in bodies of water in and around a home in low-income contexts.¹

Drowning Deaths in Florida

Drowning deaths in Florida have consistently ranged between 350 and 500 deaths per year in the state from 2003 to present. Data from 2022 show that most counties suffered less than 10 deaths from drowning in that year, but many highly-populated and coastal counties suffered from a much higher rate of drowning.² For example, Broward County had 46 drowning deaths in 2022, Miami-Dade had 30, Hillsborough had 33, and Palm Beach had 42.³

Drowning Prevention

The National Drowning Prevention Alliance (NDPA) recommends five items for protecting children from drowning: barriers and alarms, supervision, water competency, life jackets, and emergency preparation.⁴ Specific to supervision, and since many drowning incidents occur when people are actively swimming, the NDPA recommends that an adult be within arms' length of any children who lack water competency.⁵ Active supervision is recommended even in bodies of water where a lifeguard is present.⁶

Life Jackets

The NDPA recommends that everyone wear a life jacket or personal flotation device (PFD) approved by the United States Coast Guard (USCG) whenever boating or in a natural or open body of water. The NDPA indicates it is important that the life jacket is USCG approved and fitted for the individual. Not all devices sold by retailers are tested and approved flotation

¹ Peden AE, Franklin RC. Learning to Swim: An Exploration of Negative Prior Aquatic Experiences among Children. *Int J Environ Res Public Health*. 2020 May 19;17(10):3557. doi: 10.3390/ijerph17103557. PMID: 32438661; PMCID: PMC7277817 available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7277817/>. (Last visited Jan. 25, 2024).

² Florida Health Charts, Deaths from Unintentional Drowning, available at <https://www.flhealthcharts.gov/ChartsDashboards/rdPage.aspx?rdReport=Death.DataViewer&cid=0105>, (last visited Jan 25, 2024).

³ *Id.*

⁴ National Drowning Prevention Alliance, Learn the 5 Layers of Protection, available at <https://ndpa.org/layers/>, (last visited Jan., 25, 2024)

⁵ National Drowning Prevention Alliance, Supervision, available at <https://ndpa.org/supervision>, (last visited Jan., 24, 2024).

⁶ *Id.*

devices. Devices that are not tested and approved cannot be considered a safe layer of protection and should not be part of a family's water safety plan, according to the NDPA.⁷

Personal flotation devices come in four types: Types I, II, III, and V. A Type I PFD has the greatest required inherent buoyancy and turns most unconscious persons in the water from a face-down position to a vertical and slightly backward position, thereby greatly increasing the chance of survival. A Type 2 PFD is intended to turn some unconscious persons from a face-down position in the water to a position where the wearer's respiration is not impeded. A Type III PFD is intended to support a conscious person in the water in an upright position. This type of device is not required to turn an unconscious person in the water from a face-down position to a position where the wearer's respiration is not impeded. A Type V PFD is approved for restricted uses or activities such as boardsailing or commercial white water rafting. These devices may not be suitable for other boating activities. The label indicates whether a particular design of Type V can be used in specific application, what restrictions or limitations apply, and its performance type.⁸

III. Effect of Proposed Changes:

CS/SB 274 creates s. 514.073, F.S., to establish the Kareem Angel Green Act. The bill defines the following terms:

- "Child" means a person younger than 12 years of age.
- "Organization" means a summer day camp, a summer 24-hour camp, a school, a preschool, a kindergarten, a nursery school, or a child care facility as defined in s. 402.302.⁹
- "Public swimming pool" has the same meaning as in s. 514.011(2) but does not include a wading pool.
- "Wading pool" means a pool, including a pool that contains a public interactive water feature or fountain, with a maximum water depth of no more than 18 inches.

The bill requires any organization that takes a child in its care or under its supervision to a public bathing place or public swimming pool to require the child's parent to attest in writing whether the child is able to swim or is at risk of injury or death when swimming or otherwise accessing a pool or body of water. Any organization that conducts an activity that provides a child under its care or supervision with access to a public bathing place or public swimming pool, whenever a child who is at risk of injury or death when swimming, is within a fenced-in area around the pool or bathing place, or is within 100 feet of a pool or bathing place that is not fenced-in, must:

- Provide the child with a USCG-approved Type II PFD if the child is near a public bathing place;
- Provide the child with either a USCG-approved Type II or Type III PFD if the child is near a public swimming pool; and

⁷ National Drowning Prevention Alliance, Life Jackets, available at <https://ndpa.org/life-jackets/> <https://ndpa.org/life-jackets/>, (last visited Jan., 25, 2024).

⁸ USCG, Life Jacket Wear / Wearing your Life Jacket, available at <https://uscgboating.org/recreational-boaters/life-jacket-wear-wearing-your-life-jacket.php>, (last visited Jan. 24, 2024).

⁹ Section 402.302, F.S., defines "child care facility" as any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit. The definition specifically excludes schools, summer camps, vacation Bible schools, and operators of transient establishments under specified circumstances.

- Ensure that the PFD is properly fitted and fastened on the child.

The requirement to provide a PFD does not apply if the child is actively participating in swimming instruction or a swimming competition if the organization ensures that each such child is supervised during that time. Additionally, none of the requirements of the section apply to:

- A residential boarding school that allows employees and their family members and guests to use a body of water at the school for recreational purposes.
- A child-placing agency, family foster home, or residential child-caring agency as defined in s. 409.175(2), F.S.
- A child care facility licensed under s. 402.305, F.S.

The bill authorizes the DOH to adopt rules to administer the bill's provisions and provides that organizations in violation are subject to disciplinary action, equivalent to licensure action, by any state agency that has jurisdiction over that type of organization.

The bill also amends s. 515.31, F.S., to require the DOH to include information relevant to newborn and infant drowning prevention in a publication available to the public. The bill requires this information to be available to health care facilities including, but not limited to, hospitals, birth centers, and perinatal facilities.

The bill provides an effective date of July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The bill may have a negative fiscal impact on organizations that will be required to provide PFDs under the bill.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

SB 274 defines the term “public swimming pool” but uses a number of other terms throughout the bill including public bathing place, body of water, and pool. It may be advisable to define the other terms used in the bill.

VIII. Statutes Affected:

This bill creates section 514.073 of the Florida Statutes.
The bill substantially amends section 515.31 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Children, Families, and Elder Affairs on February 6, 2024:**

The CS makes the following changes:

- Amends s. 515.31, F.S. to require the DOH to include information relevant to newborn and infant drowning prevention in a publication available to the public and health care facilities.

B. Amendments:

None.



602376

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2024	.	
	.	
	.	
	.	

The Committee on Children, Families, and Elder Affairs
(Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Between lines 81 and 82

insert:

Section 3. Subsection (2) of section 515.31, Florida
Statutes, is amended to read:

515.31 Drowning prevention education program; public
information publication.—

(2) The department shall also produce, for distribution to
the public at no charge, a publication that provides information



602376

11 on drowning prevention and the responsibilities of pool
12 ownership. The department, in lieu of developing its own
13 publication, may adopt a nationally recognized drowning
14 prevention and responsibilities of pool ownership publication,
15 as provided in rule of the department. The department must
16 include in this publication, or video or other form of
17 appropriate communication, information relevant to newborn and
18 infant drowning prevention and must make this information
19 available to health care facilities, including, but not limited
20 to, hospitals, birth centers, and perinatal facilities.

21
22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:

24 Between lines 14 and 15

25 insert:

26 amending s. 515.31, F.S.; requiring the department to
27 include specified information as part of its
28 publication, or video or other form of appropriate
29 communication, which provides the public information
30 on drowning prevention and the responsibilities of
31 pool ownership; requiring the department to make such
32 information available to health care facilities;

By Senator Powell

24-01684-24

2024776__

1 A bill to be entitled
2 An act relating to temporary cash assistance
3 eligibility; amending s. 414.095, F.S.; revising
4 eligibility requirements for receiving temporary cash
5 assistance; deleting an exception that allowed denial
6 of such benefits for individuals with a specified drug
7 conviction; deleting requirements for a person
8 convicted of a drug felony to receive such benefits;
9 providing that the state fully opts out of a specified
10 federal law; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Subsection (1) of section 414.095, Florida
15 Statutes, is amended to read:

16 414.095 Determining eligibility for temporary cash
17 assistance.—

18 (1) ELIGIBILITY.—An applicant must meet the eligibility
19 requirements of this section before receiving services or
20 temporary cash assistance under this chapter, except that an
21 applicant must ~~shall be required to~~ register for work and engage
22 in work activities in accordance with s. 445.024, as designated
23 by the local workforce development board, and may receive
24 support services or child care assistance in conjunction with
25 such requirement. The department shall make a determination of
26 eligibility based on the criteria identified ~~listed~~ in this
27 chapter. The department shall monitor continued eligibility for
28 temporary cash assistance through periodic reviews consistent
29 with the food assistance eligibility process. Benefits may not

24-01684-24

2024776__

30 be denied to an individual solely based on a felony drug
31 conviction, ~~unless the conviction is for trafficking pursuant to~~
32 ~~s. 893.135. To be eligible under this section, an individual~~
33 ~~convicted of a drug felony must be satisfactorily meeting the~~
34 ~~requirements of the temporary cash assistance program, including~~
35 ~~all substance abuse treatment requirements. Within the limits~~
36 ~~specified in this chapter,~~ The state opts out of the provision
37 of Pub. L. No. 104-193, s. 115, which ~~that~~ eliminates
38 eligibility for temporary cash assistance and food assistance
39 for any individual convicted of a controlled substance felony.

40 Section 2. This act shall take effect July 1, 2024.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: CS/SB 776

INTRODUCER: Children, Families, and Elder Affairs and Senator Powell

SUBJECT: Temporary Cash Assistance Eligibility

DATE: February 6, 2024 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hall	Tuszynski	CF	CS/Fav
2.			AHS	
3.			FP	

I. Summary:

Public assistance programs help low income families meet their basic needs, such as housing, food, and utilities. Two of the most commonly utilized public assistance programs in Florida are the Supplemental Nutrition Assistance Program (SNAP) or food assistance, and the Temporary Assistance for Needy Families (TANF) Temporary Cash Assistance (TCA) program. Both programs operate through federal and state level coordination and administration.

Federal law prohibits TCA and food assistance eligibility for any individual with a felony drug conviction and imposes a lifetime ban on such benefits, unless a state elects to opt out of the provision. Florida has opted out of this federal provision, with one limitation. Florida has implemented a modified ban wherein an applicant may not be denied benefits solely based on a felony drug conviction, unless the conviction is for drug trafficking. Studies have shown that public assistance, such as TANF and SNAP, reduces recidivism, while banning access to assistance has been linked to increased recidivism.

CS/SB 776 leaves the existing prohibition against individuals with felony drug convictions receiving TCA and SNAP assistance, but creates an exemption for victims of human trafficking. Under the bill, TCA and SNAP benefits may not be denied to an individual solely on the basis of a drug trafficking conviction if DCF has determined the individual to be a victim of human trafficking.

The bill has an indeterminate, negative fiscal impact on state government.

The bill provides an effective date of July 1, 2024.

II. Present Situation:

Public Assistance

Public assistance programs help low-income families meet their basic needs, such as housing, food, and utilities.¹ The social safety net for American families depends on the coordination of a complex patchwork of federal, state, and local funding and program administration.² Through various programs, public assistance is capable of helping families to keep children in their family home through economic difficulties³ and reducing the material hardship that has been linked to negative outcomes in children⁴, as well as driving the economy in times of market downturns⁵ and supporting the career advancement of low-income adults striving to break the cycle of intergenerational poverty.⁶

Two of the most commonly utilized public assistance programs in Florida are the Supplemental Nutrition Assistance Program (SNAP) or food assistance and the Temporary Assistance for Needy Families Temporary Cash Assistance (TANF or TCA) program.

Temporary Assistance for Needy Families

The Temporary Assistance for Needy Families (TANF) system was established at the federal level in 1996 through the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996.⁷ PRWORA ended the Aid to Families with Dependent Children (AFDC) program, a federal program which provided dedicated funding for cash assistance to needy

¹ National Conference of State Legislatures, *Introduction to Benefit Cliffs and Public Assistance Programs*, available at <https://www.ncsl.org/human-services/introduction-to-benefits-cliffs-and-public-assistance-programs> (last visited February 1, 2024).

² Brookings Institute, *State Social Safety Net Policy: How are States Addressing Economic Need*, available at <https://www.brookings.edu/events/state-social-safety-net-policy-how-are-states-addressing-economic-need/> (last visited February 1, 2024).

³ Providing assistance to needy families so that children can be cared for in their own homes is one of the four purposes of the TANF program. See Office of Family Assistance, *About TANF*, available at <https://www.acf.hhs.gov/ofa/programs/tanf/about> (last visited February 1, 2024); see also Center on Budget and Policy Priorities, *Three Reasons Why Providing Cash to Families with Children is a Sound Policy Investment*, available at <https://www.cbpp.org/research/income-security/three-reasons-why-providing-cash-to-families-with-children-is-a-sound> (last visited February 1, 2024).

⁴ Urban Institute, *What Explains the Widespread Material Hardship among Low-Income Families with Children?*, available at https://www.urban.org/sites/default/files/publication/99521/what_explains_the_widespread_material_hardship_among_low-income_families_with_children_0.pdf (last visited February 1, 2024).

⁵ Stephen Vogen, Cristina Miller, Katherine Ralston, *Impact of USDA's Supplemental Nutrition Assistance Program (SNAP) on Rural and Urban Economies in the Aftermath of the Great Recession*, Economic Research Service (2021), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3938336 (last visited February 1, 2024).

⁶ Brookings, *Policies that Reduce Intergenerational Policy*, available at <https://www.brookings.edu/articles/policies-that-reduce-intergenerational-poverty/> (last visited February 1, 2024).

⁷ Center on Budget and Policy Priorities, *Policy Basics: Temporary Assistance for Needy Families*, available at <https://www.cbpp.org/research/family-income-support/policy-basics-an-introduction-to-tanf> (last visited February 1, 2024). See also Department of Health and Human Services, Office of Family Assistance, *Major Provisions of the Welfare Law*, available at <https://www.acf.hhs.gov/ofa/policy-guidance/major-provisions-welfare-law> (last visited February 1, 2024).

families with children, and alternatively created the broad-purpose TANF block grant.⁸ TANF became effective July 1, 1997, and was reauthorized by the Deficit Reduction Act of 2005.

Temporary Cash Assistance (TCA)

Direct cash assistance to needy families is the foundation of public welfare in the U.S.⁹ prior to the establishment of TANF in 1996, direct cash assistance to needy families was the primary method of providing support to low-income families with children. Since the transition to the TANF block grant system, the number of families receiving direct cash assistance has waned significantly, even among eligible populations, and the majority of TANF funds are allocated for indirect methods of assisting families.¹⁰

The Temporary Cash Assistance (TCA) program is Florida's direct cash assistance program for needy families. The TCA program is one of several Florida programs funded with the TANF block grant. Through the TCA program, families who meet specific technical, income, and asset requirements¹¹ may receive cash assistance in the form of monthly payments deposited into an electronic benefits transfer (EBT) account.¹²

TCA is administered by several state agencies through a series of contracts and memoranda of understanding. The Department of Children and Families (DCF) receives the federal TANF block grant funds, processes applications, determines initial eligibility, monitors ongoing eligibility, and disburses benefits to recipients. The Department of Commerce¹³ (Florida Commerce) is responsible for financial and performance reporting to ensure compliance with federal and state measures and for providing training and technical assistance to Local Workforce Development Boards (LWDBs). LWDBs provide information about available jobs, on-the-job training, and education and training services within their respective areas and contract

⁸ Congressional Research Service, *Temporary Assistance for Needy Families: The Decline in Assistance Receipt Among Eligible Individuals*, available at <https://crsreports.congress.gov/product/pdf/R/R47503> (last visited February 1, 2024).

⁹ Public cash assistance to needy families has its origin in the early 1900s; state and local entities financed “mother’s pension” programs that provided support to single, often widowed, mothers so that children could be raised in their family homes rather than be institutionalized. See Congressional Research Service, *Temporary Assistance for Needy Families: The Decline in Assistance Receipt Among Eligible Individuals*, available at <https://crsreports.congress.gov/product/pdf/R/R47503> (last visited February 1, 2024).

¹⁰ *Supra*, note 9.

¹¹ 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 ninth month of pregnancy. See DCF, *Temporary Cash Assistance (TCA)*, available at <https://www.myflfamilies.com/services/public-assistance/temporary-cash-assistance> (last visited February 1, 2024).

¹² DCF, *Temporary Cash Assistance Fact Sheet*, available at https://www.myflfamilies.com/sites/default/files/2022-10/tcafactsheet_0.pdf (last visited February 1, 2024).

¹³ The Department of Commerce, formerly known as the Department of Economic Opportunity, was renamed as such in the 2023 Legislative session. See Ron DeSantis, *Governor DeSantis Signs Legislation to Streamline Economic Development in Florida*, available at <https://www.flgov.com/2023/05/31/governor-desantis-signs-legislation-to-streamline-economic-development-in-florida/> (last visited February 1, 2024).

with one-stop career centers.¹⁴ CareerSource Florida has planning and oversight responsibilities for all workforce-related programs and contracts with the LWDBs on a performance-basis.¹⁵

The number of families receiving TCA dramatically increased during the COVID-19 pandemic, peaking at more than 50,000 families receiving TCA payments in July of 2020.¹⁶ While TCA caseloads have not yet returned to pre-pandemic levels, they have decreased steadily since July 2020. In November 2023, 34,015 families, including 44,309 children, received TCA.¹⁷

TCA Eligibility

States have broad discretion in determining who is eligible for cash assistance. Florida's TCA program requires applicants to meet all of the following criteria to be eligible:¹⁸

- Be a U.S. citizen or qualified noncitizen¹⁹;
- Be a legal resident of Florida;
- Have a minor child residing with a custodial parent or relative caregiver, or be a pregnant woman in the ninth month of pregnancy;
- Have a gross income of 185 percent or less of the federal poverty level;²⁰
- Have liquid or nonliquid resources, of all members of the family, valued at less than \$2,000;²¹
- Register for work with the Local Workforce Development Board (LWDB), unless an applicant qualifies for an exemption.

Florida imposes a lifetime limit of 48 cumulative months for an adult to be eligible for and receive cash assistance. Current law outlines specific, limited circumstances under which a person may be exempt from the time limitation;²² however, most households receive TCA for fewer than six months.

¹⁴ Florida Department of Commerce, CareerSource Florida, *Workforce Innovation and Opportunity Act Annual Statewide Performance Report*, available at <https://careersourceflorida.com/wp-content/uploads/2023/12/2022-23-WIOA-Annual-Performance-Report.pdf> (last visited February 1, 2024).

¹⁵ *Id.*

¹⁶ DCF, *ESS Standard Reports: Caseload Report*, available at <https://www.myflfamilies.com/services/public-assistance/additional-resources-and-services/ess-standard> (last visited February 1, 2024).

¹⁷ DCF, *ESS Standard Reports: Flash Points*, available at <https://www.myflfamilies.com/services/public-assistance/additional-resources-and-services/ess-standard> (last visited February 1, 2024).

¹⁸ DCF, *Temporary Assistance for Needy Families – State Plan Renewal*, available at <https://www.myflfamilies.com/sites/default/files/2022-10/TANF-Plan.pdf> (last visited February 1, 2024).

¹⁹ Section 414.095(3), F.S. A qualified noncitizen includes an individual who is admitted to the United States as a refugee or who is granted asylum, a Cuban or Haitian entrant, or a noncitizen who has been admitted as a permanent resident. It also includes an individual who, or an individual whose children or parent, has been battered or subject to extreme cruelty in the U.S. by a spouse, a parent, or other household member, and has applied for or received protection under the federal Violence Against Women Act, if certain criteria are met.

²⁰ Gross income cannot exceed 185% FPL, and a family's countable income cannot exceed the payment standard for the family size. There is a \$90 deduction on earned income per individual. See Florida Department of Children and Families, *Temporary Cash Assistance (TCA)*, available at <https://www.myflfamilies.com/services/public-assistance/temporary-cash-assistance> (last visited January 25, 2024).

²¹ Licensed vehicles with a combined value of not more than \$8,500 are excluded if a family includes individuals subject to the work requirement, or if the vehicle is necessary to transport a disabled family member and the vehicle has been specially equipped to transport the disabled person. See s. 414.075, F.S.

²² Section 414.105, F.S.

TCA Work Requirements

To be eligible for full-family TCA, work-eligible adult family members must participate in work activities in accordance with s. 445.024, F.S., unless they qualify for an exemption.²³ Individuals who fail to comply with the work requirements may be sanctioned.²⁴ Individuals are required to participate in work activities for the maximum number of hours allowable under federal law.²⁵ The number of required work or activities hours is determined by calculating the value of the cash benefits and then dividing that number by the hourly minimum wage amount.

Work Participation Requirements	
Family Composition	Required Work Participation Hours
Single parent with a child under age 6	20 hours weekly of “core” work activities
Single parent with a child over 6, or two-parent families where one parent is disabled	30 hours weekly with at least 20 hours of “core” work activities
Married teen or teen head of household under age 20	Maintains satisfactory attendance at secondary school or the equivalent, or participates in education related directly to employment for at least 20 hours weekly
Two-parent families who do not receive subsidized child care	35 hours weekly with at least 30 hours of “core” work activities, combined between both parents
Two-parent families who receive subsidized child care	55 hours weekly with at least 50 hours in “core” activities, combined between both parents

Pursuant to state and federal law, there are 12 distinct types of work activities which can be used to satisfy a TCA recipient’s work requirement.²⁶ The 12 activities are categorized as either “core” or “supplemental” activities; such categorization impacts how the activity is counted toward a TCA recipient’s work requirement.

Work Activities	
“Core” Activities	“Supplemental” Activities
<ul style="list-style-type: none"> • Unsubsidized employment • Subsidized private-sector employment • Subsidized public-sector employment • Work experience • On-the-job training • Job search and job readiness assistance • Community service programs • Vocational educational training 	<ul style="list-style-type: none"> • Job skills training directly related to employment • Education directly related to employment • Completion of a secondary school program

²³ Section 414.095(1), F.S. A person may be exempt from the work requirement if they receive benefits under the Supplemental Security Income Program or the Security Disability Program, is a single parent of a child under three months of age (parenting preparation activities may be alternatively required), is exempt from the TCA time limitation due to hardship, or not considered work-eligible under federal policy. *See also* DCF, *Temporary Assistance for Needy Families – State Plan Renewal*, available at <https://www.myflfamilies.com/sites/default/files/2022-10/TANF-Plan.pdf> (last visited February 1, 2024).

²⁴ Section 414.065, F.S.

²⁵ Section 445.024(2), F.S.

²⁶ 45 CFR 261-30; s. 445.024(1), F.S.; *see also* DCF, *Temporary Assistance for Needy Families (TANF) – An Overview of Program Requirements* (2016), available at https://www.myflfamilies.com/sites/default/files/2022-10/TANF%20101%20final_1.pdf (last visited January 25, 2024).

- | | |
|---|--|
| <ul style="list-style-type: none"> • Providing child care services to an individual participating in a community service program | |
|---|--|

While each of these activities may contribute toward a TCA recipient's work requirement, federal policy limits the extent to which certain activities may satisfy the work requirement. Federal and state law further limits how the different work activities may count toward a person's work requirement based on the characteristics of the individual and the length of time in which the individual engages in the activity.²⁷

TCA recipients who fail to comply with work requirements may be sanctioned by the LWDBs. Sanctions result in cash assistance being withheld for a specified period of time, the length of which increases with repeated lack of compliance. Consequences for failure to participate in work activities include:²⁸

- First noncompliance – cash assistance is terminated for the entire family for a minimum of ten days or until the individual complies, whichever is later.
- Second noncompliance – cash assistance is terminated for the entire family for one month or until the individual complies, whichever is later.
- Third noncompliance – cash assistance is terminated for the entire family for three months or until the individual complies, whichever is later.

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).²⁹ SNAP is the nation's largest domestic food and nutrition program for low-income Americans, offering nutritional assistance to millions of individuals and families each year through the provision for funds that can be used to purchase eligible foods.³⁰ In fiscal year 2020, SNAP provided assistance to approximately 39.9 million people living in 20.5 million households across the U.S.³¹ SNAP benefits support individual households by reducing the effects of poverty and increasing food

²⁷ 45 CFR § 261.31; s. 445.024, F.S.; *see also* Congressional Research Service, *Temporary Assistance for Needy Families (TANF): The Work Participation Standard and Engagement in Welfare-to-Work Activities*, available at <https://crsreports.congress.gov/product/pdf/R/R44751> (last visited January 26, 2024).

²⁸ Section 414.065, F.S.

²⁹ 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* US Department of Agriculture, Food and Nutrition Service, *Short History of SNAP*, available at <https://www.fns.usda.gov/snap/short-history-snap> (last visited February 2, 2024).

³⁰ US Department of Agriculture, Economic Research Service, *Supplemental Nutrition Assistance Program (SNAP) Overview*, available at <https://www.ers.usda.gov/topics/food-nutrition-assistance/supplemental-nutrition-assistance-program-snap/> (last visited February 2, 2024).

³¹ US Department of Agriculture, Food and Nutrition Service, *Characteristics of SNAP Households: FY 2020 and Early Months of the COVID-19 Pandemic: Characteristics of SNAP Households*, available at <https://www.fns.usda.gov/snap/characteristics-snap-households-fy-2020-and-early-months-covid-19-pandemic-characteristics> (last visited February 2, 2024).

security while supporting economic activity across communities, as SNAP benefits directly benefit farmers, retailers, food processors and distributors, and their employees.³²

SNAP is administered at the state level in Florida by DCF.³³ DCF determines and monitors eligibility and disburses benefits to SNAP participants. The state and federal governments share the administrative costs of the program, while the federal government funds 100 percent of the benefit amount received by participants.³⁴ 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.³⁵

The amount of benefits, or allotment, for which a household qualified depends on the number of individuals in the household and the household's net income. To calculate a household's allotment, 30% of its net income is subtracted from the maximum allotment for that household size.³⁶ This is because SNAP households are expected to spend about 30% of their own resources on food.³⁷ As of October 2023, 3,112,411 Floridians are participating in SNAP.³⁸

SNAP Eligibility & Work Requirements

To be eligible for SNAP, households must meet the following criteria: (1) gross monthly income must be at or below 200 percent of the poverty level; (2) net income must be equal to or less than the poverty level; and (3) assets must be below the limits set based on household composition.³⁹

Individuals may be deemed ineligible for SNAP due to any of the following:⁴⁰

- Conviction of drug trafficking;
- Fleeing a felony warrant;
- Breaking SNAP or TANF program rules;
- Failure to cooperate with the child support enforcement agency; or
- Being a noncitizen without qualified status.

³² US Department of Agriculture, Economic Research Service, *Supplemental Nutrition Assistance Program (SNAP) Economic Linkages*, available at <https://www.ers.usda.gov/topics/food-nutrition-assistance/supplemental-nutrition-assistance-program-snap/economic-linkages/> (last visited February 2, 2024).

³³ Section 414.31, F.S.

³⁴ Center on Budget and Policy Priorities, *Policy Basics: The Supplemental Nutrition Assistance Program (SNAP)*, available at <https://www.cbpp.org/research/policy-basics-the-supplemental-nutrition-assistance-program-snap#:~:text=The%20federal%20government%20pays%20the,the%20states%2C%20which%20operate%20it> (last visited February 2, 2024).

³⁵ US Department of Agriculture, Food and Nutrition Service, *State Options Report*, available at <https://www.fns.usda.gov/snap/waivers/state-options-report> (last visited February 2, 2024).

³⁶ US Department of Agriculture, Food and Nutrition Service, *SNAP Eligibility*, available at <https://www.fns.usda.gov/snap/recipient/eligibility> (last visited February 2, 2024).

³⁷ *Id.*

³⁸ US Department of Agriculture, Food and Nutrition Service, *Supplemental Nutrition Assistance Program: Number of Persons Participating*, available at <https://fns-prod.azureedge.us/sites/default/files/resource-files/snap-persons-1.pdf> (last visited February 2, 2024).

³⁹ DCF, *SNAP Eligibility*, available at <https://www.myflfamilies.com/services/public-assistance/supplemental-nutrition-assistance-program-snap/snap-eligibility> (last visited February 2, 2024). *See also* s. 414.32, F.S.

⁴⁰ *Id.* *See also* s. 414.32, F.S.

Able-bodied, non-elderly adults are generally required to participate in work activities in order to be eligible for SNAP. Federal policy outlines two tiers of work requirements for SNAP recipients: the general work requirement and the Able-Bodied Adult Without Dependents (ABAWD) work requirement.

The general work requirement applies to all recipients between 16 and 59 years of age, unless they qualify for an exemption. The general work requirements include requiring a recipient register for work, participating in SNAP Employment and Training (E&T) or workfare if assigned, taking a suitable job if offered, and not voluntarily quitting a job or reducing work hours below 30 a week without a good reason.⁴¹

Individuals are exempt from the general work requirements if they are:⁴²

- Already working at least 30 hours a week (or earning wages at least equal to the federal minimum wage multiplied by 30 hours);
- Meeting work requirements for another program (TANF or unemployment compensation);
- Taking care of a child under six or an incapacitated person;
- Unable to work due to a physical or mental limitation;
- Participating regularly in an alcohol or drug treatment program; or
- Studying in school or a training program at least half-time (but college students are subject to additional eligibility rules).

If an individual capable of meeting the general work requirements fails to do so, they are disqualified from getting SNAP for at least a month and must start meeting the requirements to get SNAP again. If the person gets back on SNAP and fails to meet the requirements again, they are disqualified for longer than a month and could be permanently disqualified.⁴³

The ABAWD work requirement applies to Adults between 18 and 52 years of age, able-bodied, and without dependents, unless otherwise exempt from the general work requirement.⁴⁴ ABAWDs are required to work or participate in a qualifying work program for a combined total of at least 80 hours per month. ABAWDs who fail to comply with the ABAWD work requirement for three months in a 36-month period will lose their SNAP benefits.⁴⁵

Prohibition on Receiving TCA and Food Assistance – Felony Drug Convictions

Federal law prohibits TCA and food assistance eligibility for any individual with a felony drug conviction and imposes a lifetime ban on such benefits, unless a state elects to opt out of the

⁴¹ US Department of Agriculture, Food and Nutrition Service, *SNAP Work Requirements*, available at <https://www.fns.usda.gov/snap/work-requirements> (last visited February 2, 2024).

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.* Adults who are unable to work due to a physical or mental limitation, are pregnant, have someone under 18 in their SNAP household, are excused from the general work requirement, are a veteran, experiencing homelessness, or were in foster care on their 18th birthday and are under age 24 are exempt from the ABAWD requirements.

⁴⁵ US Department of Agriculture, Food and Nutrition Service, *Supplemental Nutrition Assistance Program (SNAP) ABAWD Policy Guide*, available at <https://fns-prod.azureedge.us/sites/default/files/resource-files/SNAP-ABAWD-Policy-Guide-September-2023.pdf> (last visited February 2, 2024).

provision.⁴⁶ Florida has opted out of this federal provision⁴⁷, with one limitation. Florida has implemented a modified ban wherein an applicant may not be denied benefits solely based on a felony drug conviction, unless the conviction is for drug trafficking⁴⁸, including agreeing, conspiring, combining, or confederating with another person to commit an act after August 22, 1996.⁴⁹

Under Florida law, drug trafficking is a first-degree felony punishable by up to 30 years of imprisonment and – depending upon the drug type and amount trafficked – fines from \$25,000 to \$500,000.⁵⁰ During the application process, individuals seeking public benefits self-attest if they have been convicted of felony drug trafficking. This information is then confirmed by an eligibility specialist during the applicant’s interview. If the illegal behavior that led to the conviction occurred on or before August 22, 1996, the disqualification does not apply regardless of the date of the conviction. If a court expunges the felony drug trafficking conviction, the individual is not subject to the disqualification.⁵¹

In Florida, while an individual is disqualified, his or her family may still apply for and receive benefits. In such instances, the disqualified individual’s needs are excluded in calculating the family’s benefits, although the individual’s income and assets are included in determining the household’s eligibility. This means that while those with felony drug trafficking convictions may still apply for assistance for their children, the overall household receives less support because of the current bans.

DCF reports that in the 2023 calendar year, 402 individuals were denied benefits due to a drug trafficking conviction.⁵² The number of people otherwise eligible who choose not to apply due to disqualification due to a felony drug trafficking conviction is unknown.

Prohibition Policy by State

Many states have chosen to opt-out or implement a modified ban on the receipt of SNAP and TCA benefits for individuals with felony drug convictions. Except for South Carolina, all other states and Washington, D.C., have chosen to modify or remove the ban for at least one of the two affected programs.⁵³

⁴⁶ Pub. L. No. 104-193, s. 115.

⁴⁷ Section 414.095(1), F.S.

⁴⁸ Section 414.095, F.S. Any person may be convicted of drug trafficking if they knowingly sell, purchase, manufacture, deliver, or bring into this state specified illegal drugs, such as cannabis, morphine, cocaine, fentanyl, hydrocodone, oxycodone, or if they are knowingly in actual or constructive possession of these drugs, and the drugs are over a certain amount. S. 893.135, F.S. Drug trafficking also includes those who agree, conspire, combine, or confederate with another person to commit the act.

⁴⁹ See DCF’s ESS Policy Manual 1420.2200, Individual Convicted Felony Drug Trafficking (TCA), available at <https://www.myflfamilies.com/sites/default/files/2023-02/1410.pdf> (last visited February 2, 2024).

⁵⁰ Section 893.135, F.S.

⁵¹ *Supra*, note 51.

⁵² DCF, Agency Bill Analysis for SB 776, on file with the Senate Children, Families, and Elder Affairs Committee.

⁵³ The Center for Law and Social Policy, *No More Double Punishments: Lifting the Ban on SNAP and TANF for People with Prior Felony Drug Convictions*, available at <https://www.clasp.org/publications/report/brief/no-more-double-punishments/> (last visited February 2, 2024).

As of April 2022, seven⁵⁴ states fully ban TANF benefits, including TCA, for individuals with prior felony drug convictions, while 17⁵⁵ states, including Florida, have modified bans, and 26⁵⁶ states and Washington, D.C., have no ban for SNAP benefits. South Carolina is the only state with a full ban on SNAP benefits for individuals with prior felony drug convictions. Florida is one of 21⁵⁷ states with modified bans, and 28⁵⁸ states and Washington, D.C., have no ban for SNAP benefits.

Recidivism Studies

Studies have shown that public assistance such as TANF and SNAP reduces recidivism, while banning access has been linked to increased recidivism. The Bureau of Justice Statistics reports that approximately 66 percent of state prisoners were rearrested within three years of release, and 82 percent were arrested within 10 years.⁵⁹ Such odds of recidivating can be offset through providing support; the barriers to re-entering society as a productive member are reduced when people are able to meet their basic needs. A Harvard Law School study found that access to SNAP and TANF significantly reduced an individual's risk of being reincarcerated by up to 10 percent within one year.⁶⁰ Additionally, a study of recidivism before and after the Florida ban took effect estimated the ban increased drug traffickers' likelihood of returning to prison by at least 9.5 percent.⁶¹

Human Trafficking

Human trafficking is a form of modern-day slavery involving the transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining, another person for the purpose of exploiting that person.⁶² Victims of human trafficking are often subjected to force, fraud, or coercion for the purpose of sexual exploitation or forced labor.⁶³ Human trafficking does not necessarily involve movement or relocation of a person, nor does it necessarily involve physical captivity.

⁵⁴ Arizona, Georgia, Missouri, Nebraska, South Carolina, Texas, and West Virginia.

⁵⁵ Alaska, Colorado, Connecticut, Florida, Hawaii, Idaho, Indiana, Iowa, Montana, Maryland, Massachusetts, Michigan, Minnesota, North Carolina, Pennsylvania, Tennessee, and Utah.

⁵⁶ Alabama, Arkansas, California, Delaware, District of Columbia, Illinois, Kansas, Kentucky, Louisiana, Maine, Mississippi, New Hampshire, New Jersey, New Mexico, New York, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Dakota, Vermont, Virginia, Washington, Wisconsin, and Wyoming.

⁵⁷ Alabama, Alaska, Arizona, Colorado, Connecticut, Florida, Georgia, Hawaii, Idaho, Indiana, Kansas, Maryland, Minnesota, Missouri, Montana, Nebraska, North Carolina, Tennessee, Texas, West Virginia, and Wisconsin.

⁵⁸ Arkansas, California, Delaware, District of Columbia, Illinois, Iowa, Kentucky, Louisiana, Maine, Michigan, Massachusetts, Mississippi, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Virginia, Washington, and Wyoming.

⁵⁹ U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Recidivism of Prisoners Released in 24 States in 2008: A 10-Year Follow-Up Period (2008-2018)*, *Special Report*, available at https://bjs.ojp.gov/BJS_PUB/rpr24s0810yfup0818/Web%20content/508%20compliant%20PDFs (last visited February 2, 2024).

⁶⁰ Crystal S. Yang, *Does Public Assistance Reduce Recidivism?*, Vol. 107, No. 5, Am. Econ. Rev. 551 (2017).

⁶¹ Cody Tuttle, *Snapping Back: Food Stamp Bans and Criminal Recidivism*, Vol. 11, No. 2, Am. J. Econ. Pol'y 301 (2019).

⁶² Section 787.06, F.S.

⁶³ *Id.*

Human trafficking can affect individuals of any age, gender, or nationality; however, some people are not vulnerable than others. Significant risk factors include recent migration or relocation, substance use, mental health concerns, and involvement in the child welfare system.⁶⁴ Vulnerable people are lured and coerced through a myriad of means including economic abuse, psychological coercion, threats against family, drug addiction, physical abuse, and sexual abuse.⁶⁵

It is estimated that at any given time in 2021, there were approximately 27.6 million people engaging in forced labor.⁶⁶ In 2021, the National Human Trafficking Hotline⁶⁷ identified 16,710 trafficking victims in the U.S., of which 1,253 were in Florida⁶⁸; however, these figures do not reflect the true scope and scale of the issue, which cannot be easily quantified due to its underground nature.

Trafficking of illegal drugs and human trafficking often co-occur.⁶⁹ Victims of trafficking may be exploited for the transport of illegal drugs and illegal drugs may also serve as a means of coercion by the trafficker.⁷⁰ Substance use as a means of coercion occurs in various settings, including sexual exploitation and forced labor, as well as intimate personal violence.⁷¹ Through substance use coercion, a trafficker can maintain control over the victim through controlling the victim's access to the substance, forcing the victim to use substances, and using the victim's own substance use as a means of discrediting the victim and making the victim complicit in the victim's own oppression.⁷²

⁶⁴ National Human Trafficking Hotline, *Human Trafficking*, available at <https://humantraffickinghotline.org/en/human-trafficking> (last visited February 6, 2024).

⁶⁵ AMA Journal of Ethics, *Human Trafficking, Mental Illness, and Addiction, Avoiding Diagnostic Overshadowing*, available at <https://journalofethics.ama-assn.org/article/human-trafficking-mental-illness-and-addiction-avoiding-diagnostic-overshadowing/2017-01> (last visited February 6, 2024).

⁶⁶ International Labor Organization, *Global Estimates of Modern Slavery Forced Labour and Forced Marriage*, available at https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipec/documents/publication/wcms_854733.pdf (last visited February 6, 2024).

⁶⁷ The National Human Trafficking Hotline is a free service to connect victims and survivors of sex and labor trafficking with services and supports to find help and safety. The hotline also receives tips about potential situations of sex and labor trafficking and facilitates reporting that information to the appropriate authorities. See National Human Trafficking Hotline, *About Us*, available at <https://humantraffickinghotline.org/en/about-us> (last visited February 6, 2024).

⁶⁸ National Human Trafficking Hotline, *Florida Statistics*, available at <https://humantraffickinghotline.org/en/statistics/florida> (last visited February 6, 2024).

⁶⁹ U.S. Drug Enforcement Administration, *Violent Drug Organizations Use Human Trafficking to Expand Profits*, available at <https://www.dea.gov/stories/2021/01/2021-01-28/violent-drug-organizations-use-human-trafficking-expand-profits> (last visited February 6, 2024).

⁷⁰ Asian Pacific Institute on Gender-Based Violence, *Intersections of Human Trafficking, Domestic Violence, and Sexual Assault – National Organizational Advocacy Roundtable*, available at <https://api-gbv.org/wp-content/uploads/2019/02/Trafficking-DV-SA-Intersections-2016-formatted2019.pdf> (last visited February 6, 2024).

⁷¹ U.S. Department of Health and Human Services, *Understanding Substance Use Coercion as a Barrier to Economic Stability for Survivors of Intimate Partner Violence: Policy Implications*, available at <https://aspe.hhs.gov/sites/default/files/private/pdf/264166/Substance-Use-Coercion-Policy-Brief.pdf> (last visited February 6, 2024).

⁷² International Labor Organization, *Global Estimates of Modern Slavery Forced Labour and Forced Marriage*, available at https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipec/documents/publication/wcms_854733.pdf (last visited February 6, 2024).

The Legislature has made clear its intent that the perpetrators of human trafficking be penalized for their illegal conduct and that the victims of trafficking be protected and assisted by the state and the agencies⁷³; however, in application it has proven difficult to hold human traffickers accountable, and victims of human trafficking face significant barriers to being recognized as such.

Victims of human trafficking often do not trust the police and rarely seek their assistance.⁷⁴ When victims of human trafficking do not interact with the criminal justice system, they are often perceived as criminals, rather than victims. Trafficking victims are frequently compelled to break the law and may be arrested as a result of that criminal act before they are recognized as a victim of trafficking. Once a trafficking victim is charged with a crime, the circumstances around the arrest and the overtaxed criminal court system create a tremendous pressure on the victim to plead guilty, rather than contest the charge or seek to reveal the trafficking situation.⁷⁵

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 414.095, F.S., to remove the existing prohibition against individuals with felony drug trafficking convictions receiving TCA and SNAP.

The changes the eligibility requirements for TCA and food assistance benefits by requiring a denial not be based solely on a drug trafficking conviction if DCF has determined the individual to be a victim of human trafficking. This will allow individuals with a drug trafficking conviction who are also victims of human trafficking to access TCA and SNAP assistance, as long as they meet all other eligibility requirements.

The bill also makes conforming language changes.

Section 2 of the bill provides an effective date of July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁷³ Section 787.06(1)(d), F.S.

⁷⁴ Amy Farrell, Meredith Dank, Ieke de Vries, Matthew Kafafian, Andrea Hughes, Sarah Lockwood, *Failing Victims? Challenges of the Police Response to Human Trafficking*, Vol. 18, No. 3, *Criminology & Pub. Pol'y*, 649, 649-673 (2019).

⁷⁵ The City University of New York, CUNY School of Law, *Clearing the Slate: Seeking Effective Remedies for Criminalized Trafficking Victims*, available at <https://ncjtc-static.fvtc.edu/Resources/RS00002861.pdf> (last visited February 6, 2024).

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Individuals previously disqualified from receiving cash or food assistance because of felony drug trafficking convictions will now be eligible to receive such benefits, assuming they meet all of the other eligibility requirements, which will provide additional financial support to low income families.

C. Government Sector Impact:

There is an indeterminate, negative fiscal impact.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends s. 414.095 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Children, Families, and Elder Affairs February 6, 2024:

The committee substitute narrows the bill language and allows an individual convicted of drug trafficking and also determined to be a victim of human trafficking to not be denied TCA and food assistance benefits.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



194328

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2024	.	
	.	
	.	
	.	

The Committee on Children, Families, and Elder Affairs (Powell) recommended the following:

Senate Amendment (with title amendment)

Delete lines 31 - 36
and insert:
conviction, unless the conviction is for trafficking pursuant to s. 893.135. If an individual has been determined by the department to be a victim of human trafficking as defined in s. 943.0583(1), the individual may not be denied benefits solely on the basis of being convicted of a trafficking offense described in s. 893.135. To be eligible under this section, an individual



194328

11 convicted of a drug felony must be satisfactorily meeting the
12 requirements of the temporary cash assistance program, including
13 all substance abuse treatment requirements. Within the limits
14 specified in this chapter, the state opts out of the provision
15

16 ===== T I T L E A M E N D M E N T =====

17 And the title is amended as follows:

18 Delete lines 3 - 10

19 and insert:

20 eligibility; amending s. 414.095, F.S.; providing that
21 benefits may not be denied to certain victims of human
22 trafficking; making technical changes; providing an
23 effective date.

By Senator Harrell

31-00370C-24

20241180__

1 A bill to be entitled
2 An act relating to substance abuse treatment; amending
3 s. 212.02, F.S.; eliminating certain tax liabilities
4 imposed on certified recovery residences; amending s.
5 397.311, F.S.; providing the levels of care at
6 certified recovery residences and their respective
7 levels of care for residents; defining the term
8 "community housing"; amending s. 397.321, F.S.;
9 requiring the Department of Children and Families to
10 display and make available on its website certain
11 information pertaining to service providers and
12 recovery residences by a specified date; requiring the
13 department to display on its website certain documents
14 pertaining to service providers; amending s. 397.335,
15 F.S.; revising the membership of the Statewide Council
16 on Opioid Abatement to include additional members;
17 amending s. 397.487, F.S.; extending the deadline for
18 certified recovery residences to retain a replacement
19 for a certified recovery residence administrator who
20 has been removed from his or her position; requiring
21 certified recovery residences to remove certain
22 individuals from their positions if they are arrested
23 and awaiting disposition for, are found guilty of, or
24 enter a plea of guilty or nolo contendere to certain
25 offenses, regardless if adjudication is withheld;
26 requiring the certified recovery residence to retain a
27 certified recovery residence administrator if the
28 previous certified recovery residence administrator
29 has been removed due to any reason; conforming

31-00370C-24

20241180__

30 provisions to changes made by the act; prohibiting
31 certified recovery residences, on or after a specified
32 date, from denying an individual access to housing
33 solely for being prescribed federally approved
34 medications from licensed health care professionals;
35 prohibiting local laws, ordinances, or regulations
36 adopted on or after a specified date from regulating
37 the duration or frequency of a resident's stay in a
38 certified recovery residence in certain zoning
39 districts; providing applicability; amending s.
40 397.4871, F.S.; conforming provisions to changes made
41 by the act; authorizing certain Level IV certified
42 recovery residences owned or controlled by a licensed
43 service provider and managed by a certified recovery
44 residence administrator approved for a specified
45 number of residents to manage a specified greater
46 number of residents, provided that certain criteria
47 are met; prohibiting a certified recovery residence
48 administrator who has been removed by a certified
49 recovery residence from taking on certain other
50 management positions without approval from a
51 credentialing entity; providing an effective date.

52
53 Be It Enacted by the Legislature of the State of Florida:

54
55 Section 1. Paragraph (k) is added to subsection (10) of
56 section 212.02, Florida Statutes, to read:

57 212.02 Definitions.—The following terms and phrases when
58 used in this chapter have the meanings ascribed to them in this

31-00370C-24

20241180__

59 section, except where the context clearly indicates a different
60 meaning:

61 (10) "Lease," "let," or "rental" means leasing or renting
62 of living quarters or sleeping or housekeeping accommodations in
63 hotels, apartment houses, roominghouses, tourist or trailer
64 camps and real property, the same being defined as follows:

65 (k) For purposes of this chapter, recovery residences
66 certified pursuant to s. 397.487 which rent properties are not
67 subject to any taxes imposed on transient accommodations,
68 including taxes imposed under s. 212.03; any locally imposed
69 discretionary sales surtax or any convention development tax
70 imposed under s. 212.0305; any tourist development tax imposed
71 under s. 125.0104; or any tourist impact tax imposed under s.
72 125.0108.

73 Section 2. Present subsections (9) through (50) of section
74 397.311, Florida Statutes, are redesignated as subsections (10)
75 through (51), respectively, a new subsection (9) is added to
76 that section, and subsection (5) of that section is amended, to
77 read:

78 397.311 Definitions.—As used in this chapter, except part
79 VIII, the term:

80 (5) "Certified recovery residence" means a recovery
81 residence that holds a valid certificate of compliance and is
82 actively managed by a certified recovery residence
83 administrator.

84 (a) A Level I certified recovery residence houses
85 individuals in recovery who have completed treatment, with a
86 minimum of 9 months of sobriety. A Level I certified recovery
87 residence is democratically run by the members who reside in the

31-00370C-24

20241180__

88 home.

89 (b) A Level II certified recovery residence encompasses the
90 traditional perspectives of sober living homes. There is
91 oversight from a house manager who has experience with living in
92 recovery. Residents are expected to follow rules outlined in a
93 resident handbook, which is provided by the certified recovery
94 residence administrator. Residents must pay dues, if applicable,
95 and work toward achieving realistic and defined milestones
96 within a chosen recovery path.

97 (c) A Level III certified recovery residence offers higher
98 supervision by staff with formal training to ensure resident
99 accountability. Such residences are staffed 24 hours a day, 7
100 days a week, and offer residents peer-support services, which
101 may include, but are not limited to, life skill mentoring,
102 recovery planning, and meal preparation. No clinical services
103 are performed at the residence. Such residences are most
104 appropriate for persons who require a more structured
105 environment during early recovery from addiction.

106 (d) A Level IV certified recovery residence is a residence
107 offered, referred to, or provided by, a licensed service
108 provider to its patients who are required to reside at the
109 residence while receiving intensive outpatient and higher levels
110 of outpatient care. Such residences are staffed 24 hours a day
111 and combine outpatient licensable services with recovery
112 residential living. Residents are required to follow a treatment
113 plan and attend group and individual sessions, in addition to
114 developing a recovery plan within the social model of living a
115 sober lifestyle. No clinical services are provided at the
116 residence, and all licensable services are provided off-site.

31-00370C-24

20241180__

117 (9) "Community housing" means a certified recovery
118 residence offered, referred to, or provided by a licensed
119 service provider that provides housing to its patients who are
120 required to reside at the residence while receiving intensive
121 outpatient and higher levels of outpatient care. A certified
122 recovery residence used by a licensed service provider that
123 meets the definition of community housing shall be classified as
124 a Level IV level of support, as described in subsection (5).

125 Section 3. Subsection (20) is added to section 397.321,
126 Florida Statutes, to read:

127 397.321 Duties of the department.—The department shall:

128 (20) Prominently display and make available on its website
129 no later than January 1, 2025, all documents in the department's
130 Provider Licensure and Designations System pertaining to the
131 following:

132 (a) Service provider applications for licensure and license
133 renewal.

134 (b) Policies and procedures provided to the department by
135 an applicant for service provider licensure or license renewal.

136 (c) The name and location of each recovery residence
137 engaged in a referral relationship with a licensed service
138 provider or service provider applicant, as required under ss.
139 397.4104 and 397.403(1)(j).

140 (d) All complaints pertaining to service providers received
141 by the department, and all investigative reports and findings,
142 whether founded or unfounded. Complainant names and other
143 identifying information shall be redacted.

144 (e) Fines assessed for violations pursuant to ss.
145 397.411(7), 397.4104(2), and 397.4873(7).

31-00370C-24

20241180__

146 (f) All reports or other documentation pertaining to
147 service provider license suspension or revocation.

148 (g) All inspection reports for service provider licenses
149 and recovery residences.

150 Section 4. Paragraph (a) of subsection (2) of section
151 397.335, Florida Statutes, is amended to read:

152 397.335 Statewide Council on Opioid Abatement.—

153 (2) MEMBERSHIP.—

154 (a) Notwithstanding s. 20.052, the council shall be
155 composed of the following members:

156 1. The Attorney General, or his or her designee, who shall
157 serve as chair.

158 2. The secretary of the department, or his or her designee,
159 who shall serve as vice chair.

160 3. One member appointed by the Governor.

161 4. One member appointed by the President of the Senate.

162 5. One member appointed by the Speaker of the House of
163 Representatives.

164 6. Two members appointed by the Florida League of Cities
165 who are commissioners or mayors of municipalities. One member
166 shall be from a municipality with a population of fewer than
167 50,000 people.

168 7. Two members appointed by or through the Florida
169 Association of Counties who are county commissioners or mayors.
170 One member shall be appointed from a county with a population of
171 fewer than 200,000, and one member shall be appointed from a
172 county with a population of more than 200,000.

173 8. One member who is either a county commissioner or county
174 mayor appointed by the Florida Association of Counties or who is

31-00370C-24

20241180__

175 a commissioner or mayor of a municipality appointed by the
176 Florida League of Cities. The Florida Association of Counties
177 shall appoint such member for the initial term, and future
178 appointments must alternate between a member appointed by the
179 Florida League of Cities and a member appointed by the Florida
180 Association of Counties.

181 9. Two members appointed by or through the State Surgeon
182 General. One shall be a staff member from the department who has
183 experience coordinating state and local efforts to abate the
184 opioid epidemic, and one shall be a licensed physician who is
185 board certified in both addiction medicine and psychiatry.

186 10. One member appointed by the Florida Association of
187 Recovery Residences.

188 11. One member appointed by the Florida Association of EMS
189 Medical Directors.

190 12. One member appointed by the Florida Society of
191 Addiction Medicine who is a medical doctor board certified in
192 addiction medicine.

193 13. One member appointed by the Florida Behavioral Health
194 Association.

195 14. One member appointed by Floridians for Recovery.

196 Section 5. Present paragraphs (c), (d), and (e) of
197 subsection (8) of section 397.487, Florida Statutes, are
198 redesignated as paragraphs (d), (e), and (f), respectively, a
199 new paragraph (c) is added to that subsection, subsections (13)
200 and (14) are added to that section, and paragraphs (b) and
201 present paragraphs (c), (d), and (e) of subsection (8) of that
202 section are amended, to read:

203 397.487 Voluntary certification of recovery residences.—

31-00370C-24

20241180__

204 (8) Onsite followup monitoring of a certified recovery
205 residence may be conducted by the credentialing entity to
206 determine continuing compliance with certification requirements.
207 The credentialing entity shall inspect each certified recovery
208 residence at least annually to ensure compliance.

209 (b) A certified recovery residence must notify the
210 credentialing entity within 3 business days after the removal of
211 the recovery residence's certified recovery residence
212 administrator due to termination, resignation, or any other
213 reason. The certified recovery residence has 90 ~~30~~ days to
214 retain a certified recovery residence administrator. The
215 credentialing entity shall revoke the certificate of compliance
216 of any certified recovery residence that fails to comply with
217 this paragraph.

218 (c) If a certified recovery residence's administrator has
219 been removed due to termination, resignation, or any other
220 reason and had been previously approved to actively manage more
221 than 50 residents pursuant to s. 397.4871(8) (b), the certified
222 recovery residence has 90 days to retain another certified
223 recovery residence administrator pursuant to that section. The
224 credentialing entity shall revoke the certificate of compliance
225 of any certified recovery residence that fails to comply with
226 this paragraph.

227 (d) ~~(e)~~ If any owner, director, or chief financial officer
228 of a certified recovery residence is arrested and awaiting
229 disposition for or found guilty of, or enters a plea of guilty
230 or nolo contendere to, regardless of whether adjudication is
231 withheld, any offense listed in s. 435.04(2) while acting in
232 that capacity, the certified recovery residence must ~~shall~~

31-00370C-24

20241180__

233 immediately remove the person from that position and ~~shall~~
234 notify the credentialing entity within 3 business days after
235 such removal. The credentialing entity may ~~shall~~ revoke the
236 certificate of compliance of a certified recovery residence that
237 fails to meet these requirements.

238 (e) ~~(d)~~ A credentialing entity shall revoke a certified
239 recovery residence's certificate of compliance if the certified
240 recovery residence provides false or misleading information to
241 the credentialing entity at any time.

242 (f) ~~(e)~~ Any decision by a department-recognized
243 credentialing entity to deny, revoke, or suspend a
244 certification, or otherwise impose sanctions on a certified
245 recovery residence, is reviewable by the department. Upon
246 receiving an adverse determination, the certified recovery
247 residence may request an administrative hearing pursuant to ss.
248 120.569 and 120.57(1) within 30 days after completing any
249 appeals process offered by the credentialing entity or the
250 department, as applicable.

251 (13) On or after January 1, 2025, a recovery residence may
252 not deny an individual access to housing solely on the basis
253 that he or she has been prescribed federally approved medication
254 that assists with treatment for substance use disorders by a
255 licensed physician, a physician's assistant, or an advanced
256 practice registered nurse registered under s. 464.0123.

257 (14) A local law, ordinance, or regulation may not regulate
258 the duration or frequency of a resident's stay in a certified
259 recovery residence located within a multifamily zoning district.
260 This subsection does not apply to any local law, ordinance, or
261 regulation adopted on or before February 1, 2025.

31-00370C-24

20241180__

262 Section 6. Paragraphs (b) and (c) of subsection (6) of
263 section 397.4871, Florida Statutes, are amended, and paragraph
264 (c) is added to subsection (8) of that section, to read:

265 397.4871 Recovery residence administrator certification.—

266 (6) The credentialing entity shall issue a certificate of
267 compliance upon approval of a person's application. The
268 certification shall automatically terminate 1 year after
269 issuance if not renewed.

270 (b) If a certified recovery residence administrator of a
271 recovery residence is arrested and awaiting disposition for or
272 found guilty of, or enters a plea of guilty or nolo contendere
273 to, regardless of whether adjudication is withheld, any offense
274 listed in s. 435.04(2) while acting in that capacity, the
275 certified recovery residence must ~~shall~~ immediately remove the
276 person from that position and ~~shall~~ notify the credentialing
277 entity within 3 business days after such removal. The certified
278 recovery residence shall ~~have 30 days to~~ retain a certified
279 recovery residence administrator within 90 days after such
280 removal. The credentialing entity shall revoke the certificate
281 of compliance of any recovery residence that fails to meet these
282 requirements.

283 (c) A credentialing entity shall revoke a certified
284 recovery residence administrator's certificate of compliance if
285 the recovery residence administrator provides false or
286 misleading information to the credentialing entity at any time.

287 (8)

288 (c) Notwithstanding paragraph (b), a Level IV certified
289 recovery residence with a community housing component, which
290 residence is actively managed by a certified recovery residence

31-00370C-24

20241180__

291 administrator approved for 100 residents under this section and
292 is wholly owned or controlled by a licensed service provider,
293 may actively manage up to 150 residents so long as the licensed
294 service provider maintains a service provider personnel-to-
295 patient ratio of 1 to 8 and maintains onsite supervision at the
296 residences 24 hours a day, 7 days a week, with a personnel-to-
297 resident ratio of 1 to 10. A certified recovery residence
298 administrator who has been removed by a certified recovery
299 residence due to termination, resignation, or any other reason
300 may not continue to actively manage more than 50 residents for
301 another service provider or certified recovery residence without
302 being approved by the credentialing entity.

303 Section 7. This act shall take effect July 1, 2024.

APPEARANCE RECORD

1180

2/6/2024

Meeting Date

Children, Families, and Elder Affairs

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name **Samantha Greer**

Phone **321-544-1577**

Address **19401 Shumard Oak Drive**

Email **samantha@corcoranpartners.com**

Street

Land O Lakes

FL

34638

City

State

Zip

Reset Form

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Palm Beach County

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



2023 AGENCY LEGISLATIVE BILL ANALYSIS

Department of Children and Families

BILL INFORMATION

BILL NUMBER:	SB 1180
BILL TITLE:	Substance Abuse Treatment
BILL SPONSOR:	Senator Harrell
EFFECTIVE DATE:	July 1, 2024

COMMITTEES OF REFERENCE

1) Senate Children, Families, and Elder Affairs
2) Senate Appropriations Committee on Health and Human Services
3) Senate Appropriations
4)
5)

CURRENT COMMITTEE

Senate Children, Families, and Elder Affairs
--

SIMILAR BILLS

BILL NUMBER:	HB 1065
SPONSOR:	Representative Caruso

IDENTICAL BILLS

BILL NUMBER:	
SPONSOR:	

PREVIOUS LEGISLATION

BILL NUMBER:	
SPONSOR:	
YEAR:	
LAST ACTION:	

Is this bill part of an agency package?

No.

BILL ANALYSIS INFORMATION

DATE OF ANALYSIS:	01/26/2024 For further information, please contact Sam Kerce at (850) 488-9410.
LEAD AGENCY ANALYST:	Hillary Crow
ADDITIONAL ANALYST(S):	Courtney Smith
LEGAL ANALYST:	Lisa Sung
FISCAL ANALYST:	Aman Punwani, Office of Budget Services

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

Senate Bill 1180 creates new language surrounding certified recovery residences, including exclusion from specified taxes, a new tier system defining four levels of certified recovery residences and a new type of certified recovery residence. Additionally, the bill revises standards for certified recovery residence administrators, adds additional members to the Statewide Council on Opioid Abatement and requires documentation from the Provider Licensure and Designations System (PLADS) be made available on the Florida Department of Children and Families (DCF or Department) website.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

Recovery Residences

Section 397.487, Florida Statutes, directs the Department to select and approve a credentialing entity to certify recovery residences that voluntarily choose to participate in annual certification. The Florida Association of Recovery Residences (FARR) currently serves as the credentialing entity approved by the Department. FARR is statutorily permitted to administer certification, recertification, and disciplinary processes as well as monitor and inspect recovery residences to ensure compliance with certification requirements. Monitoring can include interviews of residents, employees, and staff. FARR can also provide training to program staff. FARR may deny, revoke, or suspend a certification, or otherwise impose sanctions, if recovery residences are not in compliance or fail to remedy any deficiencies identified. Any decision that results in an adverse determination is reviewable by the Department.

Currently, FARR identifies four levels of support (I-IV) on their website (www.farronline.org):

- Level I: FARR Level I residences are perhaps best exemplified by the Oxford House model. Individuals who enter FARR Level I homes have a high recovery capital with a minimum of 9 months of sobriety and the length of stay is determined by the resident. Level I homes are democratically run by the members who reside in the home through a guided policy and procedure manual or charter.
- Level II: FARR Level II residences encompass the traditional perspective of sober living homes. There is oversight from a house manager with lived experience, typically a senior resident. Residents are expected to follow the rules outlined in the resident handbook, pay their dues, and work on achieving milestones within a chosen recovery path. This level of support is a resident-driven length of stay, while providers may suggest a minimum commitment length.
- Level III: FARR Level III residences offer higher supervision by staff with formal training to ensure resident accountability. Level III homes offer peer-support services and are staffed 24 hours a day. No clinical services are performed at the residence. The services offered usually include life skills, mentoring, recovery planning, and meal preparation. This support structure is most appropriate for residents who require a more structured environment during early recovery from addiction. Length of stay is determined by the resident at this level of support; however, providers may ask for a minimum commitment length of stay to fully complete programming.
- Level IV: Any recovery residence offered or provided by a licensed service provider that provides housing to its patients who are required to reside at the residence while receiving intensive outpatient and higher levels of outpatient care at facilities that are operated by the same licensed service provider shall be staffed, operated, and classified as a FARR Level IV level of support. A recovery residence used as the housing component of a "Day or Night Treatment with Community Housing" license issued pursuant to Rule 65D-30.0081, Florida Administrative Code, shall be staffed, operated, and classified consistent with a FARR Level IV level of support.

There are currently 675 certified recovery residences statewide. The Department does not monitor or provide oversight of recovery residences, only licensed service providers.

Certified recovery residences must be actively managed by a certified recovery residence administrator. Section 397.4871, F.S., directs the Department to designate and approve a credentialing entity for administering this annual certification process for administrators. The Florida Certification Board (FCB) is the credentialing entity currently approved by the Department to establish certification requirements, issue certifications, and develop and administer training and continuing education to certified individuals. FCB may suspend or revoke the certification if the certified administrator fails to adhere to continuing education requirements or provide false or misleading information at any time. Should the administrator be removed due to termination, resignation, or any other reason,

the certified recovery residence has 30 days to retain another certified administrator or face possible certification revocation.

Pursuant to s. 397.4871, F.S., certified recovery residence administrators may not actively manage more than 50 residents at any given time unless written justification is approved by the credentialing entity allowing a maximum of 100 residents at any given time.

There are currently 357 active certified recovery residence administrators statewide.

Provider Licensure and Designations System (PLADS)

The Provider Licensure and Designations System (PLADS) is the platform the Department uses to process and issue licenses to substance abuse service providers and to designate Baker Act receiving facilities. This system allows the provider to submit applications for licensure and designation, pay applicable fees, and monitor and complete corrective action plans. Documentation and data housed in this system includes required forms, provider and license information, inspections and related reports, and policy and procedures.

The Department does not currently have a public facing platform displaying information from the PLADS system. The Department's website displays the list of current licensed service providers, current certified recovery residences, and current certified recovery residence administrators.

Statewide Council on Opioid Abatement

Section 397.335, F.S., establishes the membership of the Statewide Council on Opioid Abatement, an advisory council created within the Department for the purpose of enhancing the development and coordination of state and local efforts to abate the opioid epidemic and support the victims and families in crisis. Duties of this council includes, but is not limited to,

- Advising state and local governments;
- Working with the Statewide Drug Policy Advisory Council;
- Data collection and review; and
- Documentation and reporting.

This council is currently comprised of 10 seats. A member may not receive a commission, fee, or financial benefit in connection with serving on the council. Council members may be reimbursed for per diem and travel expenses in accordance with s. 112.061, F.S., by the state agency that the member represents. If the member is not affiliated with a state agency, the member shall be reimbursed by the Department.

2. EFFECT OF THE BILL:

Section 1

Section 212.02, F.S., clarifies that certified recovery residences are not subject to any taxes imposed on transient accommodations, any locally imposed discretionary sales surtax, any convention development tax, or any tourist tax imposed.

Section 2

Section 397.311, F.S., expands upon the definition of "certified recovery residences" by identifying four levels of residences (I-IV). These levels are similar to those of the levels associated with by FARR certification and provide varying levels of oversight:

- Level I: Democratically run by the members who reside in the home;
- Level II: Oversight from a house manager who has experience living in recovery;
- Level III: Higher supervision by formally trained staff 24 hours a day, 7 days a week; and
- Level IV: Residences are offered, referred to, or provided by a licensed service provider to its patients who are required to reside at the residence while receiving intensive outpatient and higher levels or outpatient care. Program is staffed 24 hours a day.

This section also creates a new definition of "community housing" which refers to a certified recovery residence offered, referred to, or provided by a DCF licensed service provider that provides housing to its patients who are required to reside at the residence while receiving intensive outpatient and higher levels of outpatient care. This meets the definition of a Level IV certified recovery residence.

The “community housing” portion of the “day and night treatment with community housing” license is incorporated into the definition of “Recovery Residence” pursuant to s. 397.311(38), F.S. There is also a separate definition for “certified recovery residences” (See s. 397.311(5), F.S.) The proposed definition of “community housing” limits “community housing” to level IV certified recovery residences and mandates certification. This contradicts s. 397.487, F.S. which states that certification of recovery residences are voluntary. Furthermore, s. 397.4873, F.S. penalizes licensed providers from receiving or giving patient referrals to uncertified recovery residences, with limited exceptions listed in subsection (2). “Community Housing” is not listed in the exceptions and would likely need to be certified in order avoid the administrative action, which creates oversight by both DCF and the credentialing entity.

Section 3

Section 397.321, F.S., requires the Department to prominently display and make available by January 1, 2025, on its website all documents in the Provider Licensure and Designations System (PLADS) pertaining to applications, policies, procedures, names, and locations of certain recovery residences, complaints, investigative reports, and findings, fines assessed, license suspension, or revocation, and all inspection reports for licensed service providers and recovery residences. The Department is modernizing systems which may result in a name change of PLADS; a more generic reference to the Department’s substance abuse licensing system may be more appropriate.

Section 4

Section 397.335, F.S., adds seven new members to the Statewide Council on Opioid Abatement, bringing the total seats up to 17. Two of the new members must be appointed by the Surgeon General, and one seat would be appointed by each of the Florida Association of Recovery Residences, the Florida Association of EMS Medical Directors, the Florida Society of Addiction Medicine, the Florida Behavioral Health Association, and Floridians for Recovery.

Section 5

Section 397.487, F.S., is revised to increase the period of time from 30 days to 90 days in which a certified recovery residence has to hire a certified administrator when there is a vacancy. This section also creates language that specifies that a recovery residence may not deny an individual access to housing solely on the basis that he or she has been prescribed federally approved medication that assists with treatment for substance use disorders by a licensed physician, a physicians’ assistant, or an advanced practice registered nurse.

Section 6

Section 397.4871, F.S., is revised to increase the period of time from 30 days to 90 days in which a certified recovery residence has to hire a certified administrator when there is a vacancy.

Additionally, the bill adds a new paragraph under s. 397.4871, F.S., which increases the number of residents managed by certified recovery residence administrator to 150 as long as the administrator is approved to manage 100 residents by the credentialing entity and the resident is wholly owned or controlled by a licensed service provider. The licensed service provider must adhere to a personnel-to-patient ratio of 1 to 8 and maintain onsite supervision 24 hours a day, 7 days a week with a personnel-to-resident ratio of 1 to 10; and specifies that a certified recovery residence administrator who has been removed by a certified recovery residence may not continue to actively manage more than 50 residents for another service provider or certified recovery residence without being approved by the credentialing entity.

3. DOES THE LEGISLATION DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES?

If yes, explain:	No.
What is the expected impact to the agency’s core mission?	N/A
Rule(s) impacted (provide references to F.A.C., etc.):	N/A

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

List any known proponents and opponents:	Unknown.
Provide a summary of the proponents' and opponents' positions:	N/A

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL?

If yes, provide a description:	Yes. Section 3 requires the collection and production of existing reports to be publicly accessible on the Department website.
Date Due:	January 1, 2025.
Bill Section Number(s):	Section 3

6. ARE THERE ANY GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSION, ETC. REQUIRED BY THIS BILL?

Board:	Statewide Council on Opioid Abatement.
Board Purpose:	The purpose of this council is to enhance the development and coordination of state and local efforts to abate the opioid epidemic and support the victims and families in crisis.
Who Appoints:	The Governor, President of the Senate, Speaker of the House, Florida League of Cities, Florida Association of Counties or Florida League of Cities
Appointee Term:	Each member shall serve a 2-year term.
Changes:	New members will be appointed to the council by the State Surgeon General, FARR, Florida Association of EMS Medical Directors, Florida Society of Addiction Medicine, Florida Behavioral Health Association and Floridians for Recovery
Bill Section Number(s):	Section 4

FISCAL ANALYSIS

1. WHAT IS THE FISCAL IMPACT TO LOCAL GOVERNMENT?

Revenues:	None.
Expenditures:	None.
Does the legislation increase local taxes or fees?	No.
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	N/A

2. WHAT IS THE FISCAL IMPACT TO STATE GOVERNMENT?

Revenues:	None.
Expenditures:	Fiscal impacts for technology are listed below in the Technology Impact section.

Does the legislation contain a State Government appropriation?	No.
If yes, was this appropriated last year?	N/A

3. WHAT IS THE FISCAL IMPACT TO THE PRIVATE SECTOR?

Revenues:	None.
Expenditures:	None.
Other:	None.

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES?

Does the bill increase taxes, fees, or fines?	None.
Does the bill decrease taxes, fees, or fines?	The bill clarifies that certified recovery residences are not subject to any taxes imposed on transient accommodations, any locally imposed discretionary sales surtax or any convention development tax, or any tourist tax imposed.
What is the impact of the increase or decrease?	There is no impact to the Department. This would be an incentive for recovery residences to become certified if they are not already to be able to benefit from the tax elimination.
Bill Section Number:	Section 1

TECHNOLOGY IMPACT

Does the legislation impact the agency's technology systems (i.e., IT support, licensing software, data storage, etc.)?	<p>This legislation is expected to require the Department to design and deploy a system that facilitates the extraction, transformation, and loading (ETL) of data from multiple sources into an Enterprise Data Warehouse (EDW), ensuring data integrity, security, and compliance. The system will also include a web-based interface to display relevant information to the public, with appropriate redaction of sensitive data to protect individual privacy and adhere to legal standards.</p> <p>The estimated timeline for completing the project is six months, broken down as follows:</p> <p>Project Initiation: 2 weeks</p> <ul style="list-style-type: none"> o Define the scope of the project, identify the stakeholders, and determine the timeline. o Identify the team responsible for developing the DCF system. <p>Requirements Gathering & Analysis: 4 weeks.</p> <ul style="list-style-type: none"> o Meet with the stakeholders to gather the requirements for the DCF system. o Document the requirements in a Business Requirement Document (BRD). o Gather detailed requirements and identify compliance and security needs.
---	---

	<p>System Design: 4 weeks</p> <ul style="list-style-type: none"> o Create a technical design document (TDD) for the DCF system based on the requirements gathered. o Define the technology stack, database design, and system architecture. o Design EDW architecture, select ETL and redaction tools, and plan web interface. <p>Development and Implementation: 14 weeks</p> <ul style="list-style-type: none"> o Develop ETL processes, set up EDW, implement redaction software, and develop the web interface. <p>Testing and Deployment: 2 weeks</p> <ul style="list-style-type: none"> o Conduct integration testing and system testing to ensure that the system works as expected. o Identify, and refine functionalities, and fix any bugs. o Conduct unit testing of the system. o Install the DCF system in a production environment. o Conduct user training for the team responsible for using the system. <p>Systems and websites will require updates to allow for the posting of required reports to the Department website.</p>																																																																											
<p>If yes, describe the anticipated impact to the agency including any fiscal impact.</p>	<p>The projected fiscal impact would require the following to support the development and maintenance of a new system.</p> <table border="1" data-bbox="527 1159 1455 1982"> <thead> <tr> <th></th> <th>Staff</th> <th>Rate/Hour</th> <th>Hours</th> <th>Cost</th> </tr> </thead> <tbody> <tr> <td>Project Manager</td> <td>1</td> <td>\$125.00</td> <td>500</td> <td>\$62,500.00</td> </tr> <tr> <td>Business Analyst</td> <td>1</td> <td>\$95.00</td> <td>800</td> <td>\$76,000.00</td> </tr> <tr> <td>System Architect</td> <td>1</td> <td>\$110.00</td> <td>300</td> <td>\$33,000.00</td> </tr> <tr> <td>Database Administrator</td> <td>1</td> <td>\$110.00</td> <td>500</td> <td>\$55,000.00</td> </tr> <tr> <td>Application/ETL Developer/Integration of redaction tools and redaction algorithms</td> <td>2</td> <td>\$105.00</td> <td>1200</td> <td>\$252,000.00</td> </tr> <tr> <td>API/ETL architect</td> <td>1</td> <td>\$110.00</td> <td>500</td> <td>\$55,000.00</td> </tr> <tr> <td>System Integrators</td> <td>1</td> <td>\$105.00</td> <td>500</td> <td>\$52,500.00</td> </tr> <tr> <td>Cloud Architect</td> <td>1</td> <td>\$110.00</td> <td>300</td> <td>\$33,000.00</td> </tr> <tr> <td>IAM Security Engineer</td> <td>1</td> <td>\$110.00</td> <td>300</td> <td>\$33,000.00</td> </tr> <tr> <td>DevOps Engineer</td> <td>1</td> <td>\$95.00</td> <td>400</td> <td>\$38,000.00</td> </tr> <tr> <td>Network, ETL tool, Data Integration Software, storage, Redaction Software, cloud services, security cost</td> <td></td> <td></td> <td></td> <td>\$120,000.00</td> </tr> <tr> <td colspan="4" style="text-align: right;">Total development cost:</td> <td>\$810,000.00</td> </tr> <tr> <td colspan="4" style="text-align: right;">Annual M & O (FTE, Cloud services, software, Security & Infrastructure):</td> <td>\$150,000.00</td> </tr> <tr> <td colspan="4"></td> <td>\$960,000.00</td> </tr> </tbody> </table>		Staff	Rate/Hour	Hours	Cost	Project Manager	1	\$125.00	500	\$62,500.00	Business Analyst	1	\$95.00	800	\$76,000.00	System Architect	1	\$110.00	300	\$33,000.00	Database Administrator	1	\$110.00	500	\$55,000.00	Application/ETL Developer/Integration of redaction tools and redaction algorithms	2	\$105.00	1200	\$252,000.00	API/ETL architect	1	\$110.00	500	\$55,000.00	System Integrators	1	\$105.00	500	\$52,500.00	Cloud Architect	1	\$110.00	300	\$33,000.00	IAM Security Engineer	1	\$110.00	300	\$33,000.00	DevOps Engineer	1	\$95.00	400	\$38,000.00	Network, ETL tool, Data Integration Software, storage, Redaction Software, cloud services, security cost				\$120,000.00	Total development cost:				\$810,000.00	Annual M & O (FTE, Cloud services, software, Security & Infrastructure):				\$150,000.00					\$960,000.00
	Staff	Rate/Hour	Hours	Cost																																																																								
Project Manager	1	\$125.00	500	\$62,500.00																																																																								
Business Analyst	1	\$95.00	800	\$76,000.00																																																																								
System Architect	1	\$110.00	300	\$33,000.00																																																																								
Database Administrator	1	\$110.00	500	\$55,000.00																																																																								
Application/ETL Developer/Integration of redaction tools and redaction algorithms	2	\$105.00	1200	\$252,000.00																																																																								
API/ETL architect	1	\$110.00	500	\$55,000.00																																																																								
System Integrators	1	\$105.00	500	\$52,500.00																																																																								
Cloud Architect	1	\$110.00	300	\$33,000.00																																																																								
IAM Security Engineer	1	\$110.00	300	\$33,000.00																																																																								
DevOps Engineer	1	\$95.00	400	\$38,000.00																																																																								
Network, ETL tool, Data Integration Software, storage, Redaction Software, cloud services, security cost				\$120,000.00																																																																								
Total development cost:				\$810,000.00																																																																								
Annual M & O (FTE, Cloud services, software, Security & Infrastructure):				\$150,000.00																																																																								
				\$960,000.00																																																																								

FEDERAL IMPACT

Does the legislation have a federal impact (i.e. federal compliance, federal funding, federal agency involvement, etc.)?	None.
If yes, describe the anticipated impact including any fiscal impact.	N/A

ADDITIONAL COMMENTS

Section 3:

The PLADS does not maintain inspections for recovery residences to allow for posting to the website.

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments and recommended action:	<ol style="list-style-type: none"> 1. "all documents" in Line 129 and "other documents" in line 146 are broad and may conflict with rules/statutes that make certain documents confidential, such as HIPAA and background screening. 2. Lines 297-302, starting at "A certified recovery residence administrator..." This sentence is restricting employment of recovery residence administrators and may conflict with s. 542.335, F.S. 3. There is also the issue of whether a recovery residence administrator or recovery residence is entitled to review rights if the credentialing entity does not approve the recovery residence administrator. <p>Additional proposed statutory amendment:</p> <ul style="list-style-type: none"> • The language in section 397.487(8)(f) (currently (e)) is unclear because administrative hearing rights are given in accordance with sections 120.569 and 120.57(1) (issue of material fact), F.S. Administrative hearings would be provided for a certification denial, revocation, or suspension by the certifying agency per s. 397.487(8)(e) (currently (d)), F.S. The credentialing entity – not the Department – is responsible for making those decisions based on the criteria it establishes and enforces per s. 397.487(2)-(7). An evidentiary hearing described in s. 120.57(1) would therefore implicate the credentialing entity and not the Department, but the language is ambiguous in that either the Department or the credentialing entity could be responsible for the credentialing entity's decision. Additionally, providing those rights "after completing any appeals process offered by the credentialing entity or the department, as applicable" implies the appeals process is discretionary. However, if the Department were to establish an "appeal" process to review the credentialing entity's decision, the Department would only be reviewing whether the credentialing entity correctly applied the entity's criteria, which is an issue of law and not fact as described in s. 397.487(8)(f). The Department should either be removed from the "appeal" process completely and mandate the credentialing entity to also administer the appeal OR amend the language to clarify the Department's role in the appeal process. An example to model after is the appeal process established for review of local (child care) licensing agencies to the Department under 402.310(2)-(4), F.S.
--	--

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: CS/SB 1180

INTRODUCER: Children, Families, and Elder Affairs and Senator Harrell

SUBJECT: Substance Abuse Treatment

DATE: February 6, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hall	Tuszynski	CF	Fav/CS
2.			AHS	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

A recovery residence is a residential dwelling unit, or other form of group housing, that provides a peer-supported, alcohol- and drug-free living environment. Florida has a certification process for a recovery residence meeting certain quality standards and other requirements. If certified, those recovery residences are allowed to receive referrals from treatment and service providers.

CS/SB 1180 amends the definition of certified recovery residence to include standards regarding the level of care provided at those residences. The bill requires four levels of care that distinguish the residences based on their provided care, to include:

- **Level I:** homes that house individuals in recovery who are post-treatment, with a minimum of nine months of sobriety. These homes are run by the members who reside in them.
- **Level II:** homes that provide oversight from a house manager (typically a senior resident). Residents are expected to follow rules outlined in a resident handbook, pay dues, and work toward achieving milestones.
- **Level III:** homes that offer 24-hour supervision by formally trained staff and peer-support services for residents.
- **Level IV:** homes that are offered, referred to, or provided to patients by licensed services providers. The patients receive intensive outpatient and higher levels of outpatient care. These homes are staffed 24 hours a day.

The bill expands the Statewide Council on Opioid Abatement by adding nine additional members beyond the existing membership.

The bill prohibits any recovery residence from denying an individual access to the residence solely on the basis the individual had been prescribed federally approved medication that assists with treatment for substance use disorders by a licensed physician, physician's assistant, or advanced practice registered nurse.

The bill also prohibits a local law, ordinance, or regulation from regulating the duration or frequency of a resident and also exempts certified recovery residences from any transient rental taxes.

The bill has no fiscal impact on state government but may have an indeterminate negative fiscal impact on local government.

The bill provides an effective date of July 1, 2024.

II. Present Situation:

Substance Abuse

Substance abuse refers to the harmful or hazardous use of psychoactive substances, including alcohol and illicit drugs.¹ According to the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5), a diagnosis of substance use disorder (SUD) is based on evidence of impaired control, social impairment, risky use, and pharmacological criteria.² SUD occurs when an individual chronically uses alcohol or drugs, resulting in significant impairment, such as health problems, disability, and failure to meet major responsibilities at work, school, or home.³ Repeated drug use leads to changes in the brain's structure and function that can make a person more susceptible to developing a substance abuse disorder.⁴

Among people aged 12 or older in 2021, 61.2 million people (or 21.9 percent of the population) used illicit drugs in the past year.⁵ The most commonly used illicit drug was marijuana, which 52.5 million people used.⁶ In the past year:⁷

¹ The World Health Organization, *Mental Health and Substance Abuse*, available at <https://www.who.int/westernpacific/about/how-we-work/programmes/mental-health-and-substance-abuse> (last visited January 30, 2024); the National Institute on Drug Abuse (NIDA), *The Science of Drug Use and Addiction: The Basics*, available at <https://archives.nida.nih.gov/publications/media-guide/science-drug-use-addiction-basics> (last visited January 30, 2024).

² The National Association of Addiction Treatment Providers, *Substance Use Disorder*, available at <https://www.naatp.org/resources/clinical/substance-use-disorder> (last visited January 30, 2024).

³ The Substance Abuse and Mental Health Services Administrator (The SAMHSA), *Substance Use Disorders*, available at <https://www.samhsa.gov/find-help/disorders> (last visited January 30, 2024).

⁴ The NIDA, *Drugs, Brains, and Behavior: The Science of Addiction*, available at <https://nida.nih.gov/publications/drugs-brains-behavior-science-addiction/drug-misuse-addiction> (last visited January 30, 2024).

⁵ U.S. Department of Health and Human Services, *SAMHSA Announces National Survey on Drug Use and Health (NSDUH) Results Detailing Mental Illness and Substance Use Levels in 2021*, available at <https://www.hhs.gov/about/news/2023/01/04/samhsa-announces-national-survey-drug-use-health-results-detailing-mental-illness-substance-use-levels-2021.html> (last visited January 30, 2024).

⁶ *Id.*

⁷ *Id.*

- Nearly 2 in 5 young adults 18 to 25 used illicit drugs;
- 1 in 3 young adults 18 to 25 used marijuana;
- 9.2 million people 12 and older misused opioids;
- 46.3 million people aged 12 and older (16.5 percent of the population) met the applicable DSM-5 criteria for having a substance use disorder, including 29.5 million who were classified as having an alcohol use disorder and 24 million who were classified as having a drug use disorder. The percentage was highest among young adults aged 18 to 25.

Substance Abuse Treatment in Florida

In the early 1970s, the federal government enacted laws creating formula grants for states to develop continuums of care for individuals and families affected by substance abuse.⁸ The laws resulted in separate funding streams and requirements for alcoholism and drug abuse. In response to the laws, the Florida Legislature enacted chs. 396 and 397, F.S., relating to alcohol and drug abuse, respectively.⁹ Each of these laws governed different aspects of addiction, and thus, had different rules promulgated by the state to fully implement the respective pieces of legislation.¹⁰ However, because persons with substance abuse issues often do not restrict their misuse to one substance or another, having two separate laws dealing with the prevention and treatment of addiction was cumbersome and did not adequately address Florida's substance abuse problem.¹¹ In 1993, legislation was adopted to combine ch. 396 and 397, F.S., into a single law, the Hal S. Marchman Alcohol and Other Drug Services Act (Marchman Act).¹²

The Marchman Act encourages individuals to seek services on a voluntary basis within the existing financial and space capacities of a service provider.¹³ However, denial of addiction is a prevalent symptom of SUD, creating a barrier to timely intervention and effective treatment.¹⁴ As a result, treatment typically must stem from a third party providing the intervention needed for SUD treatment.¹⁵

The Department of Children and Families (DCF) administers a statewide system of safety-net services for substance abuse and mental health (SAMH) prevention, treatment, and recovery for children and adults who are otherwise unable to obtain these services. Services are provided based upon state and federally-established priority populations.¹⁶ The DCF provides treatment

⁸ The DCF, *Baker Act and Marchman Act Project Team Report for Fiscal Year 2016-2017*, p. 4-5. (on file with the Senate Children, Families, and Elder Affairs Committee).

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² Chapter 93-39, s. 2, L.O.F., codified as ch. 397, F.S.

¹³ See ss. 397.601(1) and (2), F.S., An individual who wishes to enter treatment may apply to a service provider for voluntary admission. Within the financial and space capabilities of the service provider, the individual must be admitted to treatment when sufficient evidence exists that he or she is impaired by substance abuse and his or her medical and behavioral conditions are not beyond the safe management capabilities of the service provider.

¹⁴ Darran Duchene and Patrick Lane, *Fundamentals of the Marchman Act*, Risk RX, Vol. 6 No. 2 (Apr. – Jun. 2006) State University System of Florida Self-Insurance Programs, available at <https://flbog.sip.ufl.edu/risk-rx-article/fundamentals-of-the-marchman-act/> (last visited January 18, 2024)(hereinafter cited as “fundamentals of the Marchman Act”).

¹⁵ *Id.*

¹⁶ See ch. 394 and 397, F.S.

for SUD through a community-based provider system offering detoxification, treatment, and recovery support for individuals affected by substance misuse, abuse, or dependence.¹⁷

- **Detoxification Services:** Detoxification services use medical and clinical procedures to assist individuals and adults as they withdraw from the physiological and psychological effects of substance abuse.¹⁸
- **Treatment Services:** Treatment services¹⁹ include a wide array of assessment, counseling, case management, and support that are designed to help individuals who have lost their abilities to control their substance use on their own and require formal, structured intervention and support.²⁰
- **Recovery Support:** Recovery support services, including transitional housing, life skills training, parenting skills, and peer-based individual and group counseling, are offered during and following treatment to further assist individuals in their development of the knowledge and skills necessary to maintain their recovery.²¹

Licensure of Substance Abuse Service Providers

The DCF regulates substance use disorder treatment by licensing individual treatment components under ch. 397, F.S., and Rule 65D-30, F.A.C. Licensed service components include a continuum of substance abuse prevention²², intervention²³, and clinical treatment services.²⁴

Clinical treatment is a professionally directed, deliberate, and planned regimen of services and interventions that are designed to reduce or eliminate the misuse of drugs and alcohol and promote a healthy, drug-free lifestyle.²⁵ “Clinical treatment services” include, but are not limited to, the following licensable service components:

- Addictions receiving facility.
- Day or night treatment.
- Day or night treatment with community housing.
- Detoxification.
- Intensive inpatient treatment.
- Intensive outpatient treatment.

¹⁷ The DCF, *Treatment for Substance Abuse*, available at <https://www.myflfamilies.com/services/samh/treatment> (last visited January 18, 2024).

¹⁸ *Id.*

¹⁹ *Id.* Research indicates that persons who successfully complete substance abuse treatment have better post-treatment outcomes related to future abstinence, reduced use, less involvement in the criminal justice system, reduced involvement in the child-protective system, employment, increased earnings, and better health.

²⁰ *Id.*

²¹ *Id.*

²² Section 397.311(26)(c), F.S. “Prevention” is defined as “a process involving strategies that are aimed at the individual, family, community, or substance and that preclude, forestall, or impede the development of substance use problems and promote responsible lifestyles.” See also The DCF, *Substance Abuse Prevention*, available at <https://www.myflfamilies.com/services/samh/substance-abuse-prevention> (last visited January 19, 2024).

²³ Section 397.311(26)(b), F.S. “Intervention” is defined as “structured services directed toward individuals or groups at risk of substance abuse and focused on reducing or impeding those factors associated with the onset or the early stages of substance abuse and related problems.”

²⁴ Section 397.311(26), F.S.

²⁵ Section 397.311(26)(a), F.S.

- Medication-assisted treatment for opiate addiction.
- Outpatient treatment.
- Residential treatment.²⁶

Recovery Residences

Recovery residences (also known as “sober homes, “sober living homes,” “Oxford Houses,” or “Halfway Houses”) are non-medical settings designed to support recovery from substance use disorders, providing a substance-free living environment commonly used to help individuals transition from highly structured residential treatment programs back into their day-to-day lives (e.g., obtaining employment and establishing more permanent residence).²⁷ Virtually all encourage or require attendance at 12-step mutual-help organizations like Alcoholics Anonymous (AA) or Narcotics Anonymous (NA), but recovery homes have varying degrees of structure and built-in programmatic elements:²⁸

- **Length of Stay:** some may have a limited or otherwise predetermined, length of stay, while others may allow individuals to live there for as long as necessary provided they follow the house rules.
- **Monitoring:** some, but not all, provide monitoring to maintain substance-free, recovery-supportive living environments and help facilitate house members’ progress by implementing a number of rules and requirements (i.e., mutual-help organization attendance, attendance at house meetings, curfews, restrictions on outside employment, and limits on use of technology). Typically as individuals successfully follow these rules over time, restrictions become more lenient and individuals have greater latitude in their choices both in and outside of the recovery residence.
- **Size:** while recovery residences range in the number of individuals living there at any given time, there are typically at least 6-8 residents of the same gender.

A recovery residence is defined as “a residential unit, the community housing component of a licensed day or night treatment facility with community housing, or other form of group housing, which is offered or advertised through any means, including oral, written, electronic, or printed means, by any person or entity as a residence that provides a peer-supported, alcohol-free, and drug-free living environment.”²⁹

Recovery residences can be located in single-family and two-family homes, duplexes, and apartment complexes. Most recovery residences are located in single-family homes, zoned in

²⁶ *Id.*

²⁷ Recovery Research Institute, *Recovery Residences*, available at <https://www.recoveryanswers.org/resource/recovery-residences/> (last visited January 18, 2024). Substance abuse prevention is achieved through the use of ongoing strategies such as increasing public awareness and education, community-based processes and evidence-based practices. These prevention programs are focused primarily on youth, and, in recent years, have shifted to the local level, giving individual communities the opportunity to identify their own unique prevention needs and develop action plans in response. This community focus allows prevention strategies to have a greater impact on behavioral change by shifting social, cultural, and community environments.

²⁸ *Id.*

²⁹ Section 397.311(38), F.S.

residential neighborhoods.³⁰ To live in a recovery residence, occupants may be required to pay a monthly fee or rent, which supports the cost of maintaining the home. Generally, recovery residences provide short-term residency, typically a minimum of at least 90 days. However, the length of time a person stays at a recovery residence varies based on the individuals' treatment needs.³¹ Because recovery residences essentially provide short-term rental or leasing of living quarters, recovery residences may be classified as transient rental accommodation and subject to taxation of rental fees.

Day or Night Treatment: Community Housing Component

Community housing is a type of group home that provides supportive housing for individuals who are undergoing treatment for substance abuse.

Day or night treatment is one of the licensable service components of clinical treatment services. This service is provided in a nonresidential environment with a structured schedule of treatment and rehabilitative services.³² Some day or night treatment programs have a community housing component, which is a program intended for individuals who can benefit from living independently in peer community housing which participating in treatment services at a day or night treatment facility for a minimum of five hours a day for a minimum of 25 hours per week.³³

Prior to 2019, the community housing component of a licensed day or night treatment program was not included in the definition of "recovery residence." After the Legislature amended the definition of "recovery residence" in 2019 to include the community housing component, DCF addressed the statutory change to the definition in a memo. The department stated that, as a result of the change in definition, providers licensed for day or night treatment with community housing must be certified as a recovery residence in order to accept or receive patient referrals from licensed treatment providers or existing recovery residences.³⁴ The memo did not specifically address whether the community housing component requires certification if the only individuals residing there were clients of the licensed day or night treatment program.

Voluntary Certification of Recovery Residences

A certified recovery residence is a recovery residence that holds a valid certificate of compliance and is actively managed by a certified recovery residence administrator.³⁵ Florida has a voluntary certification program for recovery residences and recovery residence administrators,

³⁰ Hearing before the Subcommittee on the Constitution and Civil Justice of the Committee on the Judiciary, House of Representatives, One Hundred Fifteenth Congress, Sept. 28, 2018, available at <https://www.govinfo.gov/content/pkg/CHRG-115hhrg33123/html/CHRG-115hhrg33123.htm>. See also The National Council for Behavioral Health, *Building Recovery: State Policy Guide for Supporting Recovery Housing*, available at https://www.thenationalcouncil.org/wp-content/uploads/2018/05/18_Recovery-Housing-Toolkit_5.3.2018.pdf?daf=375ateTbd56 (last visited January 31, 2024).

³¹ American Addiction Center, *Length of Stay at a Sober Living Home*, available at <https://americanaddictioncenters.org/sober-living/length-of-stay> (last visited January 31, 2024).

³² Section 397.311(26)(a)2., F.S.

³³ Section 397.311(26)(a)3., F.S.

³⁴ DCF Memo to Substance Abuse Prevention, Intervention, and Treatment Providers, dated July 1, 2019 (on file with the Senate Children, Families, and Elder Affairs Committee).

³⁵ Sections 397.487-397.4872, F.S.

implemented by private credentialing entities.³⁶ Under the voluntary certification program, two DCF-approved credentialing entities administer certification programs and issue certificates: the Florida Association of Recovery Residences (FARR) certifies the recovery residences and the Florida Certification Board (FCB) certifies recovery residence administrators.³⁷

As the credentialing entity for recovery residences in Florida, FARR is statutorily authorized to administer certification, recertification, and disciplinary processes as well as monitor and inspect recovery residences to ensure compliance with certification requirements. FARR is also authorized to deny, revoke, or suspend a certification, or otherwise impose sanctions, if recovery residences are not in compliance or fail to remedy any deficiencies identified. However, any decision that results in an adverse determination is reviewable by the Department.³⁸

In order to become certified, a recovery residence must submit the following documents with an application fee to the credentialing entity:³⁹

- A policy and procedures manual containing:
- Job descriptions for all staff positions;
- Drug-testing procedures and requirements;
- A prohibition on the premises against alcohol, illegal drugs, and the use of prescription medications by an individual other than for whom the medication is prescribed;
- Policies to support a resident's recovery efforts; and
- A good neighbor policy to address neighborhood concerns and complaints;
- Rules for residents;
- Copies of all forms provided to residents;
- Intake procedures;
- Sexual predator and sexual offender registry compliance policy;
- Relapse policy;
- Fee schedule;
- Refund policy;
- Eviction procedures and policy;
- Code of ethics;
- Proof of insurance;
- Proof of background screening; and
- Proof of satisfactory fire, safety, and health inspections.

There are currently 675 certified recovery residences in Florida.⁴⁰ DCF publishes a list of all certified recovery residences and recovery residence administrators on its website.⁴¹

³⁶ *Id.*

³⁷ The DCF, *Recovery Residence Administrators and Recovery Residences*, available at <https://www.myflfamilies.com/services/samh/recovery-residence-administrators-and-recovery-residences> (last visited January 31, 2024).

³⁸ Section 397.487, F.S.

³⁹ *Id.*

⁴⁰ DCF, *2024 Agency Bill Analysis SB 1180*, on file with the Senate Children, Families, and Elder Affairs.

⁴¹ Section 397.4872, F.S.

National Alliance for Recovery Residences

The National Alliance for Recovery Residences (NARR) was established to develop and promote best practices in the operation of recovery residences.⁴² The organization works with federal government agencies, national addiction and recovery organizations, state-level recovery housing organizations, and state addiction services agencies to improve the effectiveness and accessibility of recovery housing.

In 2011, NARR established the national standard for all recovery residences. This standard defines the spectrum of recovery oriented housing and services and distinguishes four different types, which are known as “levels” or “levels of support.” The standard was developed through a strength-based and collaborative approach that solicited input from all major regional and national recovery housing organizations.⁴³ NARR’s levels of support are included in the Substance Abuse and Mental Health Services Administration’s Best Practices for Recovery Housing.⁴⁴

NARR Recovery Residence Levels of Support

A recovery residence is a broad term that describes safe and sober living environments that promote recovery from substance use disorders. These residences may also be referred to as halfway houses, three-quarter houses, transitional living facilities, or sober living homes. Since this is a broad term, to help categorize recovery residences into more specific groups, NARR distinguishes these residences based on their levels of care. There are four levels of care for recovery residences: peer-run, monitored, supervised, and service provider.⁴⁵

Level I – Peer-Run

A Peer-Run recovery residence is a home operated by the residents themselves. In this type of residence, there is no external management or oversight from outside sources such as an administrative director. The administration of these facilities is done democratically by the residents. Services may include house meetings for accountability, drug screenings, and self-help meetings. These residences are generally set up in single-family residences like a house.⁴⁶

Level II – Monitored

A monitored recovery residence has an external management structure, usually in the form of an administrative director. The director oversees operations, provides guidance and support, and ensures that all tenants are following rules. These facilities, provide a structured environment with documented rules, policies, and procedures. These residences are typically managed by a house manager or senior resident and may offer peer-run groups, house meetings, drug

⁴² NARR, *About Us*, available at <https://narronline.org/about-us/> (last visited January 31, 2024).

⁴³ NARR, *Standards and Certification Program*, available at <https://narronline.org/affiliate-services/standards-and-certification-program/> (last visited January 31, 2024).

⁴⁴ Substance Abuse and Mental Health Services Administration, *Best Practices for Recovery Housing*, available at <https://store.samhsa.gov/sites/default/files/pep23-10-00-002.pdf> (last visited January 31, 2024).

⁴⁵ NARR, *Recovery Residence Levels of Support*, available at https://narronline.org/wp-content/uploads/2016/12/NARR_levels_summary.pdf (last visited January 31, 2024).

⁴⁶ Isaiah House, *NARR Levels of Care for Addiction Recovery Residences*, available at <https://isaiah-house.org/narr-levels-of-care-for-addiction-recovery-residences/> (last visited January 31, 2024).


screenings, and involvement in self-help treatment. These facilities are primarily single-family residences, but they may also be apartments or other dwelling types.⁴⁷

Level III – Supervised

Supervised recovery residences have more intense levels of oversight than monitored residences and typically have an on-site staff member who provides 24/7 support to residents. The staff at a Level III residence includes a facility manager and certified staff or case managers. Staff members may also provide counseling services or facilitate group activities. Residents at Level III houses are expected to adhere to a strict set of rules and guidelines while living in this type of residence. Level III residences have an organizational hierarchy with administrative oversight for service providers, and documented policies and procedures. This type of residence emphasizes life skill development. In these residences, services may be utilized in the outside community while service hours may be provided in-house. The type of dwelling for Level III residences varies and may include all types of residential settings.⁴⁸

Level IV – Service Provider

Service provider recovery residences are typically operated by organizations or corporations. These residences offer a wide range of services and activities for residents. Staff levels in Level IV residences are higher than staff levels for Level I-III residences, and the environments are more structured and institutionalized. These residences have an overseen organizational hierarchy. Level IV recovery residence employ credentialed staff and have both clinical and administrative supervision for residents. These residences also provide clinical services and programming in-house and may offer residents life skill development. While Level IV residences may have a more institutionalized environment, all types of residence may be included as a client moves through the care continuum of a treatment center.⁴⁹

		RECOVERY RESIDENCE LEVELS OF SUPPORT			
		LEVEL I Peer-Run	LEVEL II Monitored	LEVEL III Supervised	LEVEL IV Service Provider
STANDARDS CRITERIA	ADMINISTRATION	<ul style="list-style-type: none"> • Democratically run • Manual or P&P 	<ul style="list-style-type: none"> • House manager or senior resident • Policy and Procedures 	<ul style="list-style-type: none"> • Organizational hierarchy • Administrative oversight for service providers • Policy and Procedures • Licensing varies from state to state 	<ul style="list-style-type: none"> • Overseen organizational hierarchy • Clinical and administrative supervision • Policy and Procedures • Licensing varies from state to state
	SERVICES	<ul style="list-style-type: none"> • Drug Screening • House meetings • Self help meetings encouraged 	<ul style="list-style-type: none"> • House rules provide structure • Peer run groups • Drug Screening • House meetings • Involvement in self help and/or treatment services 	<ul style="list-style-type: none"> • Life skill development emphasis • Clinical services utilized in outside community • Service hours provided in house 	<ul style="list-style-type: none"> • Clinical services and programming are provided in house • Life skill development
	RESIDENCE	<ul style="list-style-type: none"> • Generally single family residences 	<ul style="list-style-type: none"> • Primarily single family residences • Possibly apartments or other dwelling types 	<ul style="list-style-type: none"> • Varies – all types of residential settings 	<ul style="list-style-type: none"> • All types – often a step down phase within care continuum of a treatment center • May be a more institutional in environment
	STAFF	<ul style="list-style-type: none"> • No paid positions within the residence • Perhaps an overseeing officer 	<ul style="list-style-type: none"> • At least 1 compensated position 	<ul style="list-style-type: none"> • Facility manager • Certified staff or case managers 	<ul style="list-style-type: none"> • Credentialed staff

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

FARR Recovery Residence Levels of Support

FARR recognizes four distinct support levels for recovery residences which were developed based on the NARR standards.⁵⁰ The levels are not a rating scale regarding the efficacy of valuation of any individual certified recovery residence, but instead offer a unique service structure most appropriate for a particular resident.⁵¹ FARR recovery residence levels of support include:⁵²

Level I

Level I residences are structured after the Oxford House model.⁵³ Individuals who enter FARR Level I homes have a high recovery capital with a minimum of nine months of sobriety and the length of stay is determined by the resident. Level I homes are democratically run by the members who reside in the home through a guided policy and procedure manual or charter.

Level II

Level II residences encompass the traditional perspective of sober living homes. Oversight is provided from a house manager with lived experience, typically a senior resident. Residents are expected to follow the rules outlined in the resident handbook, pay dues, and work on achieving milestones within a chosen recovery path. This level of support is a resident driven length of stay, while providers may suggest a minimum commitment length.

Level III

Level III residences offer higher supervision by staff with formal training to ensure resident accountability. Level III homes offer peer-support services and are staff 24 hours a day. No clinical services are performed at the residence. The services offered usually include life skills, mentoring, recovery planning, and meal preparation. This support structure is most appropriate for residents who require a more structured environment during early recovery from addiction. Length of stay is determined by the resident; however, providers may ask for a minimum commitment length of stay to fully complete programming.

Level IV

A Level IV residence is any recovery residence offered or provided by a licensed service provider that provides housing to patients who are required to reside at the residence while receiving intensive outpatient and higher levels of outpatient care at facilities that are operated by the same licensed service provider or a recovery residence used as the housing component of a day or night treatment with community housing, license issued pursuant to Rule 65D-40.0081, Florida Administrative Code.

⁵⁰ FARR, *Levels of Support*, available at <https://www.farronline.org/levels-of-support-1> (last visited January 31, 2024).

⁵¹ *Id.*

⁵² *Id.*

⁵³ Oxford House Model is a concept and a system of operating in recovery from drug and alcohol addiction. The concept is that recovering individuals can live together and democratically run an alcohol and drug-free living environment which supports the recovery of every resident. Oxford Houses are one of the largest self-help residential programs in the U.S. See Oxford House, *The Purpose and Structure of Oxford House*, available at https://oxfordhouse.org/purpose_and_structure (last visited January 31, 2024) and the National Library of Medicine, *Oxford House Recovery Homes: Characteristics and Effectiveness*, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2888149/> (last visited January 31, 2024).

Opioids

Opioids are a class of medications derived from the opium plant or mimic its naturally occurring substances.⁵⁴ Opioids function by binding to specific receptors in the brain that are associated with pain sensation, including pain relief.⁵⁵ The opioid family includes several drugs, such as oxycodone, fentanyl, morphine, codeine, and heroin.⁵⁶ These drugs are effective at reducing pain; however, they can be highly addictive even when prescribed by a doctor. Over time, individuals who use opioids can develop a tolerance to the drug, a physical dependence on it, and ultimately, succumb to an opioid use disorder. This condition can have grave consequences, including a heightened risk of overdose and even death.

Opioid Overdose

Opioid overdoses result from an overabundance of opioid in the body which leads to suppression of the respiratory system. Opioids account for two thirds of all deaths relating to drug use, most of which are the result of overdoses.⁵⁷ More than 106,000 Americans died from drug-involved overdoses in 2021, illicit including illicit drugs and prescription opioids.⁵⁸ Opioid-involved overdose deaths increased from 21,088 in 2010 to 47,600 in 2017; the rate of such deaths remained relatively consistent for the next two years with 49,860 opioid-involved overdose deaths in 2019.⁵⁹ This was followed by a sharp increase in opioid-involved overdose deaths associated with the COVID-19 pandemic beginning in 2020.⁶⁰ Nationally, there were 63,630 reported opioid-involved overdose deaths in 2020 and 80,411 in 2021.⁶¹

Multistate Opioid Lawsuit and Settlement

In 2018, the Florida Attorney General filed a lawsuit against multiple opioid manufacturers and distributors. The lawsuit was later expanded to include the pharmacies CVS and Walgreens.⁶² The complaint alleged that the defendants caused the opioid crisis by, among other things:⁶³

⁵⁴ Johns Hopkins Medicine, *Opioids*, available at <https://www.hopkinsmedicine.org/health/treatment-tests-and-therapies/opioids> (last visited January 31, 2024).

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ United Nations Office on Drugs and Crime, World Drug Report 2022, *Global Overview: Drug Demand and Drug Supply*, available at https://www.unodc.org/res/wdr2022/MS/WDR22_Booklet_1.pdf (last visited January 31, 2024).

⁵⁸ National Institute on Drug Abuse, *Drug Overdose Death Rates*, available at <https://nida.nih.gov/research-topics/trends-statistics/overdose-death-rates> (last visited January 31, 2024).

⁵⁹ *Id.*

⁶⁰ Ghose, R., Forati, A.M., & Mantsch, J.R., *Impact of the COVID-19 Pandemic on Opioid Overdose Deaths: A Spatiotemporal Analysis*, *J Urban Health* 99, 316-327 (2022), available at <https://link.springer.com/article/10.1007/s11524-022-00610-0> (last visited January 31, 2024).

⁶¹ *Supra*, note 66.

⁶² NPR, *Florida Sues Walgreens, CVS for Alleged Role in Opioid Crisis*, available at <https://www.npr.org/2018/11/19/669146432/florida-sues-walgreens-cvs-for-alleged-role-in-opioid-crisis> (last visited January 31, 2024).

⁶³ Florida Attorney General, *Florida's Opioid Lawsuit*, available at [https://legacy.myfloridalegal.com/webfiles.nsf/WF/MNOS-AYSNED/\\$file/Complaint%20summary.pdf](https://legacy.myfloridalegal.com/webfiles.nsf/WF/MNOS-AYSNED/$file/Complaint%20summary.pdf) (last visited January 31, 2024).

- Engaging in a campaign of misrepresentations and omissions about opioid use designed to increase opioid prescriptions and opioid use, despite the risks.
- Funding ostensibly neutral and independent “front” organizations to publish information touting the benefits of opioids for chronic pain while omitting the information about the risks of opioid treatment.
- Paying ostensibly neutral medical experts called “key opinion leaders” who were really manufacturer “mouthpieces” to public articles promoting the use of opioids to treat pain while omitting information regarding the risks.

In 2021, McKesson, Cardinal Health, and AmerisourceBergen, the nation’s three largest pharmaceutical distributors, as well as manufacturer Janssen Pharmaceuticals, Inc., agreed to a national settlement in which the distributors agreed to pay \$21 billion over 18 years and Janssen agreed to pay \$5 billion over nine years.⁶⁴ Of the \$26 billion available, approximately \$22.7 billion was earmarked for use by states that participated in the lawsuit, including Florida.⁶⁵

Florida additionally negotiated individual settlements with multiple other companies including⁶⁶:

- \$65 million settlement with Endo Health Solutions;
- \$440 million settlement with CVS Pharmacy, Inc.;
- \$177,114,999 settlement with Teva Pharmaceuticals Industries, Ltd.;
- \$122 million settlement with Allergan Finance, LLC.;
- \$620 million settlement with Walgreens Boots Alliance, Inc. and Walgreens, Co.; and
- \$215 million settlement with Walmart.

Additionally, Teva Pharmaceuticals has agreed to provide the state with a supply of Naloxone Hydrochloride, an opioid antagonist⁶⁷, valued at \$84 million.⁶⁸

These settlements will pay out over a period of time ranging from 10 to 18 years. In general, the monies from the settlements must be used for opioid abatement, including prevention efforts, treatment, and recovery services, and to pay litigation fees and costs incurred by the state, cities, and counties.⁶⁹

⁶⁴ National Opioid Settlement, *Executive Summary of National Opioid Settlements*, available at <https://nationalopioidsettlement.com/executive-summary/#:~:text=In%20all%2C%20the%20Distributors%20will,additional%20manufacturers%E2%80%94Allergan%20and%20Teva> (last visited January 31, 2024).

⁶⁵ Office of the Attorney General, *Attorney General Moody Secures Relief for Opioid Crisis*, available at <https://www.myfloridalegal.com/opioidsettlement> (last visited January 31, 2024).

⁶⁶ *Id.*

⁶⁷ An opioid antagonist, such as Narcan or Naloxone Hydrochloride, is a drug that blocks the effects of exogenously administered opioids. They are used in opioid overdoses to counteract life-threatening depression of the central nervous system and respiratory system, allowing an overdose victim to breathe normally. See Harm Reduction Coalition, *Understanding Naloxone*, available at <https://harmreduction.org/issues/overdose-prevention/overview/overdose-basics/understanding-naloxone/> (last visited January 31, 2024).

⁶⁸ Office of the Attorney General, *Attorney General Moody Secures Relief for Opioid Crisis*, available at <https://www.myfloridalegal.com/opioidsettlement> (last visited January 31, 2024).

⁶⁹ *Id.*

Florida Opioid Allocation and Statewide Response Agreement

To ensure the settlement proceeds are used to fund opioid and substance abuse education, treatment, prevention, and other related programs and services, the Office of the Attorney General coordinated with certain local governments in the state to enter into the Florida Opioid Allocation and Statewide Response Agreement.⁷⁰ The agreement requires the state to establish an opioid abatement task force or council to advise the Governor, the Legislature, DCF, and local governments on the priorities that should be addressed by the expenditure of settlement funds, as well as review the spending of such funds and the results achieved.

The council's membership, administration, and duties are outlined in the agreement.⁷¹ Per the agreement, the Council's membership must consist of ten members equally balanced between state and local government representatives.

Appointments from the local governments must include:

- Two municipality representatives appointed by or through the Florida League of Cities.
- Two county representatives, one appointed from a qualified county and one appointed from a county within the state that is not a qualified county.
- One representative appointment that will alternate every two years between being a county representative appointed by or through the Florida Association of Counties or a municipality representative appointed by or through the Florida League of Cities.

Further, the agreement requires that one municipality representative must be from a city of less than 50,000 people and that one county representative must be from a county of less than 200,000 people and the other county representative must be from a county with a population greater than 200,000 people.

Appointments from the state must include:

- Two members appointed by the Governor.
- One member appointed by the Speaker of the House of Representatives.
- One member appointed by the President of the Senate.
- The Attorney General or a designee.

In 2023, the Florida Legislature established the Statewide Council on Opioid Abatement (hereinafter, "council"). The council is tasked with enhancing the development and coordination of state and local efforts to abate the opioid epidemic and to support the victims and families of the crisis.⁷²

⁷⁰ *Florida Opioid Allocation and Statewide Response Agreement Between State of Florida Department of Legal Affairs, Office of the Attorney General and Certain Local Governments in the State of Florida*, available at <https://nationalopioidsettlement.com/wp-content/uploads/2021/11/FL-Opioid-AllocSW-Resp-Agreement.pdf> (last visited January 31, 2024).

⁷¹ *Id.*

⁷² Section 397.335, F.S.

The council has a series of duties associated with the monitoring of the abatement of the opioid epidemic in Florida and a review of settlement fund expenditures associated with opioid litigation.⁷³

Transient Rental Accommodations

Under current law, rental charges or room rates paid for the right to use or occupy living quarters or sleeping or housekeeping accommodations for a rental period of six months or less are subject to taxation.⁷⁴ Such rentals are often referred to as “transient rental accommodations” or “transient rentals.”⁷⁵ Examples of transient rentals include hotel and motel rooms, condominium units, timeshare resort units, single-family homes, apartments or units in multiple unit structures, mobile homes, beach or vacation houses, campground sites, and trailer or RV parks.⁷⁶

In Florida, a six percent sales tax, plus any applicable discretionary sales surtax, is assessed on the total rental charges or room rates for transient rental accommodations, unless a statutory exemption applies.⁷⁷ Counties may also impose a local option tax on transient rental accommodations, such as the tourist development tax⁷⁸, convention development tax⁷⁹, tourist impact tax⁸⁰, or a municipal resort tax.⁸¹ These taxes are often called local option transient rental taxes and are in addition to the state sales tax.

Currently, transient rentals are potentially subject to the following taxes:

- **Local Option Tourist Development Taxes:** current law authorizes five separate tourist development taxes on transient rental transactions. Section 125.0104(3)(a), F.S., provides that the local option tourist development tax is levied on the “total consideration charged for such lease or rental.”
 - The tourist development tax may be levied at the rate of one or two percent.⁸² Currently, 62 counties levy this tax at two percent; all 67 counties are eligible to levy this tax.⁸³
 - An additional tourist development tax of one percent may be levied.⁸⁴ Currently, 56 counties levy this tax; only 59 counties are currently eligible to levy this tax.⁸⁵

⁷³ *Id.*

⁷⁴ Section 212.03, F.S.

⁷⁵ Department of Revenue, Sales and Use Tax on Rental of Living or Sleeping Accommodations, available at https://floridarevenue.com/Forms_library/current/gt800034.pdf (last visited January 31, 2024).

⁷⁶ Section 212.03, F.S.

⁷⁷ Rental charges or room rates paid by a person with a written lease longer than six months, a full-time student enrolled in a postsecondary institution offering housing, and military personnel on active duty and present in the community under official orders are exempt. S. 212.03(4) and (7), F.S.

⁷⁸ Section 125.0104, F.S.

⁷⁹ Section 212.0305, F.S.

⁸⁰ Section 125.0101, F.S.

⁸¹ Certain municipalities may impose a municipal resort tax as authorized under chapter 67-930, Laws of Florida. Currently, there are only three municipalities in Miami-Dade County that are eligible to impose the tax.

⁸² Section 125.0104(3)(c), F.S.

⁸³ Florida Revenue Estimating Conference, *2023 Florida Tax Handbook*, available at

<http://edr.state.fl.us/Content/revenues/reports/tax-handbook/taxhandbook2023.pdf> (last visited January 31, 2024).

⁸⁴ Section 125.0104(3)(d), F.S.

⁸⁵ *Supra*, note 91.

- A professional sports franchise facility tax may be levied up to an additional one percent on transient rental transactions.⁸⁶ Currently, 46 counties levy this additional tax; all 67 counties are eligible to levy this tax.⁸⁷
- A high tourism impact county may levy an additional one percent on transient rental transactions.⁸⁸ Currently, 10 counties levy this tax; only 14 are eligible to levy.⁸⁹
- An additional professional sports franchise facility tax no greater than one percent may be imposed by a county that has already levied the professional sports franchise facility tax.⁹⁰ Out of 65 eligible counties, 36 levy this tax.⁹¹
- **Local Option Tourist Impact Tax:** the local option tourist impact tax under s. 125.0108, F.S., is levied at the rate of one percent of the total consideration charged. Only Monroe County is eligible and does levy this tax in areas designated as areas of critical concern because they created a land authority pursuant to s. 380.0663(1), F.S.
- **Local Convention Development Tax:** the convention development tax under s. 212.0305, F.S., is imposed on the total consideration charged for the transient rental. Each county operating under a home rule charter, as defined in s. 125.011(1), F.S., may levy the tax at three percent (Miami-Dade County); each county operating under a consolidated government may levy the tax at two percent (Duval County); and each county chartered under Article VIII of the State Constitution that had a tourist advertising district on January 1, 1984, may levy the tax at up to three percent (Volusia County).⁹² No county authorized to levy this tax can levy more than two percent of the tourist development tax, excluding the professional sports franchise facility tax.⁹³
- **Municipal Resort Tax:** certain municipalities may levy the municipal resort tax at a rate of up to four percent on transient rental transactions. The tourist development tax may not be levied in any municipality imposing the municipal resort tax. The tax is collected by the municipality. Currently, only three municipalities in Miami-Dade County are eligible to impose the tax.
- **State Sales Tax:** the state sales tax on transient rentals under s. 212.03, F.S., is levied in the amount of six percent of the “total rental charged” for the living quarters or sleeping or housekeeping accommodations in, or part of, or in connection with, any hotel, apartment house, rooming house, or tourist or trailer camp.
- **Local Option Discretionary Sales Surtax:** counties have been granted limited authority to levy a discretionary sales surtax for specific purposes on transactions subject to state sales tax.⁹⁴ Rates range from 0.5% to 1.5% and are levied by 66 of the 67 counties.⁹⁵ Approved purchases include:
 - Operating a transportation system in a charter county;⁹⁶

⁸⁶ Section 125.0104(3)(l), F.S.

⁸⁷ *Supra*, note 91.

⁸⁸ Section 125.0104(3)(m), F.S.

⁸⁹ *Supra*, note 91.

⁹⁰ Section 125.0104(3)(n), F.S.

⁹¹ *Supra*, note 91.

⁹² *Id.*

⁹³ Section 125.0104(3)(b), (3)(l)4., and (3)(n)2., F.S.

⁹⁴ Sections 212.054–055, F.S.

⁹⁵ Department of Revenue, *Discretionary Sales Surtax Information for Calendar Year 2024, Form DR-15DSS*, available at https://floridarevenue.com/Forms_library/current/dr15dss.pdf (last visited January 31, 2024).

⁹⁶ Section 212.055(1), F.S.

- Financing local government infrastructure projects;⁹⁷
- Providing additional revenue for specified small counties;⁹⁸
- Providing medical care for indigent persons;⁹⁹
- Funding trauma centers;¹⁰⁰
- Operating, maintaining, and administering a county public general hospital;¹⁰¹
- Constructing and renovating schools;¹⁰²
- Providing emergency fire rescue services and facilities;¹⁰³ and
- Funding pension liability shortfalls.¹⁰⁴

Certain rentals or leases are exempt from the taxes; these include rentals to active-duty military personnel, full-time students, bona fide written leases for continuous residence longer than six months, and accommodations in migrant labor camps.¹⁰⁵

III. Effect of Proposed Changes:

Certified Recovery Residences

Section 2 of the bill amends the definition of “certified recovery residence” in s. 397.311, F.S., to include standards regarding the levels of care offered within those residences. This amendment will help to better align recovery residences in Florida with industry best practices. The levels of care are as follows:

- Level I: these homes house individuals in recovery who are post-treatment, with a minimum of nine months of sobriety. These homes are run by the members who reside in them.
- Level II: these homes have oversight from a house manager (typically, a senior resident). Residents are expected to follow rules outlined in a resident handbook, pay dues, and work toward achieving milestones.
- Level III: these homes offer 24-hour supervision by staff with formal training and peer-support services.
- Level IV: these homes are offered, referred, or provided to patients by licensed service providers. The patients receive intensive outpatient and higher levels of outpatient care. These homes are staffed 24 hours a day.

The bill also defines “community housing” to mean a certified recovery residence offered, referred to, or provided by a licensed service provider that provides housing to its patients who are required to reside at the residence while receiving intensive outpatient and higher levels of outpatient care. The bill also requires a certified recovery residence used by a licensed service

⁹⁷ Section 212.055(2), F.S.

⁹⁸ Section 212.055(3), F.S. Note that the small county surtax may be levied by extraordinary vote of the county governing board if the proceeds are to be expended only for operating purposes.

⁹⁹ Section 212.055(4)(a), F.S. (for counties with more than 800,000 residents); s. 212.055(7), F.S. (for counties with less than 800,000 residents).

¹⁰⁰ Section 212.055(4)(b), F.S.

¹⁰¹ Section 212.055(5), F.S.

¹⁰² Section 212.055(6), F.S.

¹⁰³ Section 212.055(8), F.S.

¹⁰⁴ Section 212.055(9), F.S.

¹⁰⁵ Section 212.03(7), F.S.; *see also* ss.125.0104(3)(a), 125.0108(1)(b), 212.0305(3)(a), F.S.

provider that meets the definition of community housing to be classified as a Level IV level of support.

Section 4 of the bill amends s. 397.487, F.S. to increase the amount of time a certified recovery residence has to retain a certified recovery residence administrator from 30 days to 90 days. The section also requires the recovery residence to retain another administrator within 90 days should the previous administrator, who had been approved to actively manage more than 50 residents pursuant to s. 397.4871(8)(b), be removed due to termination, resignation, or any other reason. Should the certified recovery residence not obtain another administrator within the time allowed, the bill requires the credentialing entity to revoke the residence's certificate of compliance.

The bill prohibits any recovery residence from denying an individual access to the residence solely on the basis the individual had been prescribed federally approved medication that assists with treatment for substance use disorders by a licensed physician, physician's assistant, or advanced practice registered nurse.

The bill also prohibits a local law, ordinance, or regulation from regulating the duration or frequency of a resident's stay at a certified recovery residence located within a multifamily zoning district. This provision does not apply to laws, ordinances, or regulations adopted on or before February 1, 2025.

Section 5 of the bill amends 397.4871, F.S., to allow an increase from 100 residents to 150 residents so long as the following applies:

- The certified recovery residence is a Level IV resident with a community housing component;
- The residence is actively managed by a certified recovery residence administrator, approved for 100 residents;
- The licensed service provider maintains a service provider personnel-to-patient ratio of 1 to 8; and
- Maintains onsite supervision at the residences 24 hours a day, 7 days a week, with a personnel-to-resident ratio of 1 to 10.

The section prohibits a certified recovery residence administrator who has been removed due to termination, resignation, or any other reason from continuing to actively manage more than 50 residents for another service provider or certified recovery residence without being approved by the credentialing entity.

Transient Rental Accommodations

Section 1 of the bill amends s. 212.02, F.S., to exempt recovery residences from any taxes that are imposed on transient accommodations, including transient rental taxes, convention development taxes, tourist development taxes, and tourist impact tax. This may reduce their operating costs.

Statewide Council on Opioid Abatement

Section 3 of the bill amends s. 397.335, F.S., to expand the Statewide Council on Opioid Abatement by adding more members, increasing its membership from 10 to 17. The additional members include:

- Two members appointed by or through the State Surgeon General. One of such members must be from the department with experience coordinating state and local efforts to abate the opioid epidemic; the other must be a licensed physician, board certified in both addiction medicine and psychiatry.
- One member appointed by the Florida Association of Recovery Residences.
- One member appointed by the Florida Association of EMS Medical Directors.
- One member appointed by the Florida Society of Addiction Medicine who is a medical doctor board certified in addiction medicine.
- One member appointed by the Florida Behavioral Health Association.
- One member appointed by Floridians for Recovery.
- One member appointed by the Florida Certification Board.
- One member appointed by the Florida Association of Managing Entities.

This will add additional members to represent the providers and clinicians providing behavioral health services, and will expand membership beyond those named in the agreement between the Attorney General and local governments, which included only state and local government representatives.

Other Changes

Sections 4 and 5 of the bill are amended to make non-substantive style and language changes or conforming changes.

Section 6 of the bill provides for an effective date of July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18(b) of the Florida Constitution provides that, except upon the approval of each house of the Legislature by a two-thirds vote of the membership, the Legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. The mandates provision does not apply to this bill as it affects an optional exemption, rather than requiring the loss of ability to raise revenue.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill will have an indeterminate positive fiscal impact on recovery residences that will no longer be required to pay transient rental taxes. The elimination of the taxes may reduce operational costs for recovery residences.

C. Government Sector Impact:

This bill may have an indeterminate negative fiscal impact on some local governments who will no longer be able to levy local option transient rental taxes on recovery residences.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends ss. 212.02, 397.311, 397.321, 397.335, 397.487, and 397.4871 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Children, Families and Elder Affairs February 6, 2024:

The committee substitute:

- Removes the requirement for the DCF to display certain licensure data and information on its website.
- Adds two new members to the Statewide Council on Opioid Abatement to include representatives from the Florida Certification Board and the Florida Association of Managing Entities.
- Makes technical and conforming changes.

B. Amendments:

None.



770418

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2024	.	
	.	
	.	
	.	

The Committee on Children, Families, and Elder Affairs (Harrell) recommended the following:

Senate Amendment (with title amendment)

Delete lines 125 - 289

and insert:

Section 3. Paragraph (a) of subsection (2) of section 397.335, Florida Statutes, is amended to read:

397.335 Statewide Council on Opioid Abatement.—

(2) MEMBERSHIP.—

(a) Notwithstanding s. 20.052, the council shall be composed of the following members:



770418

- 11 1. The Attorney General, or his or her designee, who shall
12 serve as chair.
- 13 2. The secretary of the department, or his or her designee,
14 who shall serve as vice chair.
- 15 3. One member appointed by the Governor.
- 16 4. One member appointed by the President of the Senate.
- 17 5. One member appointed by the Speaker of the House of
18 Representatives.
- 19 6. Two members appointed by the Florida League of Cities
20 who are commissioners or mayors of municipalities. One member
21 shall be from a municipality with a population of fewer than
22 50,000 people.
- 23 7. Two members appointed by or through the Florida
24 Association of Counties who are county commissioners or mayors.
25 One member shall be appointed from a county with a population of
26 fewer than 200,000, and one member shall be appointed from a
27 county with a population of more than 200,000.
- 28 8. One member who is either a county commissioner or county
29 mayor appointed by the Florida Association of Counties or who is
30 a commissioner or mayor of a municipality appointed by the
31 Florida League of Cities. The Florida Association of Counties
32 shall appoint such member for the initial term, and future
33 appointments must alternate between a member appointed by the
34 Florida League of Cities and a member appointed by the Florida
35 Association of Counties.
- 36 9. Two members appointed by or through the State Surgeon
37 General. One shall be a staff member from the department who has
38 experience coordinating state and local efforts to abate the
39 opioid epidemic, and one shall be a licensed physician who is



770418

- 40 board certified in both addiction medicine and psychiatry.
41 10. One member appointed by the Florida Association of
42 Recovery Residences.
43 11. One member appointed by the Florida Association of EMS
44 Medical Directors.
45 12. One member appointed by the Florida Society of
46 Addiction Medicine who is a medical doctor board certified in
47 addiction medicine.
48 13. One member appointed by the Florida Behavioral Health
49 Association.
50 14. One member appointed by Floridians for Recovery.
51 15. One member appointed by the Florida Certification
52 Board.
53 16. One member appointed by the Florida Association of
54 Managing Entities.

55 Section 4. Present paragraphs (c), (d), and (e) of
56 subsection (8) of section 397.487, Florida Statutes, are
57 redesignated as paragraphs (d), (e), and (f), respectively, a
58 new paragraph (c) is added to that subsection, subsections (13)
59 and (14) are added to that section, and paragraph (b) and
60 present paragraphs (c), (d), and (e) of subsection (8) of that
61 section are amended, to read:

62 397.487 Voluntary certification of recovery residences.—
63 (8) Onsite followup monitoring of a certified recovery
64 residence may be conducted by the credentialing entity to
65 determine continuing compliance with certification requirements.
66 The credentialing entity shall inspect each certified recovery
67 residence at least annually to ensure compliance.

68 (b) A certified recovery residence must notify the



770418

69 credentialing entity within 3 business days after the removal of
70 the recovery residence's certified recovery residence
71 administrator due to termination, resignation, or any other
72 reason. The certified recovery residence has 90 ~~30~~ days to
73 retain a certified recovery residence administrator. The
74 credentialing entity shall revoke the certificate of compliance
75 of any certified recovery residence that fails to comply with
76 this paragraph.

77 (c) If a certified recovery residence's administrator has
78 been removed due to termination, resignation, or any other
79 reason and had been previously approved to actively manage more
80 than 50 residents pursuant to s. 397.4871(8)(b), the certified
81 recovery residence has 90 days to retain another certified
82 recovery residence administrator pursuant to that section. The
83 credentialing entity shall revoke the certificate of compliance
84 of any certified recovery residence that fails to comply with
85 this paragraph.

86 (d) ~~(e)~~ If any owner, director, or chief financial officer
87 of a certified recovery residence is arrested and awaiting
88 disposition for or found guilty of, or enters a plea of guilty
89 or nolo contendere to, regardless of whether adjudication is
90 withheld, any offense listed in s. 435.04(2) while acting in
91 that capacity, the certified recovery residence must ~~shall~~
92 immediately remove the person from that position and ~~shall~~
93 notify the credentialing entity within 3 business days after
94 such removal. The credentialing entity may ~~shall~~ revoke the
95 certificate of compliance of a certified recovery residence that
96 fails to meet these requirements.

97 (e) ~~(d)~~ A credentialing entity shall revoke a certified



770418

98 recovery residence's certificate of compliance if the certified
99 recovery residence provides false or misleading information to
100 the credentialing entity at any time.

101 (f)(e) Any decision by a department-recognized
102 credentialing entity to deny, revoke, or suspend a
103 certification, or otherwise impose sanctions on a certified
104 recovery residence, is reviewable by the department. Upon
105 receiving an adverse determination, the certified recovery
106 residence may request an administrative hearing pursuant to ss.
107 120.569 and 120.57(1) within 30 days after completing any
108 appeals process offered by the credentialing entity or the
109 department, as applicable.

110 (13) On or after January 1, 2025, a recovery residence may
111 not deny an individual access to housing solely on the basis
112 that he or she has been prescribed federally approved medication
113 that assists with treatment for substance use disorders by a
114 licensed physician, a physician's assistant, or an advanced
115 practice registered nurse registered under s. 464.0123.

116 (14) A local law, ordinance, or regulation may not regulate
117 the duration or frequency of a resident's stay in a certified
118 recovery residence located within a multifamily zoning district.
119 This subsection does not apply to any local law, ordinance, or
120 regulation adopted on or before February 1, 2025.

121 Section 5. Paragraphs (b) and (c) of subsection (6) of
122 section 397.4871, Florida Statutes, are amended, and paragraph
123 (c) is added to subsection (8) of that section, to read:

124 397.4871 Recovery residence administrator certification.—

125 (6) The credentialing entity shall issue a certificate of
126 compliance upon approval of a person's application. The



127 certification shall automatically terminate 1 year after
128 issuance if not renewed.

129 (b) If a certified recovery residence administrator of a
130 recovery residence is arrested and awaiting disposition for or
131 found guilty of, or enters a plea of guilty or nolo contendere
132 to, regardless of whether adjudication is withheld, any offense
133 listed in s. 435.04(2) while acting in that capacity, the
134 certified recovery residence must ~~shall~~ immediately remove the
135 person from that position and ~~shall~~ notify the credentialing
136 entity within 3 business days after such removal. The certified
137 recovery residence shall ~~have 30 days to~~ retain a certified
138 recovery residence administrator within 90 days after such
139 removal. The credentialing entity shall revoke the certificate
140 of compliance of any recovery residence that fails to meet these
141 requirements.

142 (c) A credentialing entity shall revoke a certified
143 recovery residence administrator's certificate of compliance if
144 the recovery residence administrator provides false or
145 misleading information to the credentialing entity at any time.

146 (8)

147 (c) Notwithstanding paragraph (b), a Level IV certified
148 recovery residence operating as community housing as defined in
149 s. 397.311(9), which

151 ===== T I T L E A M E N D M E N T =====

152 And the title is amended as follows:

153 Delete lines 8 - 14

154 and insert:

155 "community housing"; amending s. 397.335,

FOR CONSIDERATION By the Committee on Children, Families, and Elder Affairs

586-02759A-24

20247052pb

1 A bill to be entitled
2 An act relating to economic self-sufficiency; amending
3 s. 414.065, F.S.; providing that a participant has
4 good cause for noncompliance with work requirements
5 for a specified time period under certain
6 circumstances; making technical changes; amending s.
7 414.105, F.S.; providing requirements for staff
8 members of local workforce development boards when
9 interviewing participants; amending s. 414.455, F.S.;
10 requiring certain persons to participate in an
11 employment and training program; making a technical
12 change; amending s. 445.009, F.S.; requiring benefit
13 management and career planning using a specified tool
14 as part of the state's one-stop delivery system;
15 amending s. 445.011, F.S.; requiring the Department of
16 Commerce to develop certain training; conforming
17 provisions to changes made by the act; making a
18 technical change; amending s. 445.017, F.S.; requiring
19 a local workforce development board to administer an
20 intake survey; amending s. 445.024, F.S.; authorizing
21 certain participants to participate in certain
22 programs or courses for a specified number of hours
23 per week; authorizing the Department of Commerce to
24 suspend certain work requirements under certain
25 circumstances; requiring the department to issue
26 notice to participants under certain circumstances;
27 amending s. 445.028, F.S.; requiring the Department of
28 Children and Families to administer an exit survey;
29 making technical changes; creating s. 445.0281, F.S.;

586-02759A-24

20247052pb

30 providing voluntary case management services to
31 certain persons for specified purposes; providing
32 requirements for such case management services and
33 case managers; amending s. 445.035, F.S.; requiring
34 CareerSource Florida, Inc., in collaboration with
35 other entities, to develop standardized intake and
36 exit surveys for specified purposes; specifying when
37 such surveys must be administered; providing
38 requirements for such surveys; requiring completed
39 surveys to be submitted to CareerSource Florida, Inc.,
40 and disseminated quarterly to certain departments;
41 requiring the Department of Commerce, in consultation
42 with other entities, to prepare and submit an annual
43 report to the Legislature; providing requirements for
44 such report; providing an effective date.

45
46 Be It Enacted by the Legislature of the State of Florida:

47
48 Section 1. Subsection (1) of section 414.065, Florida
49 Statutes, is amended to read:

50 414.065 Noncompliance with work requirements.—

51 (1) PENALTIES FOR NONPARTICIPATION IN WORK REQUIREMENTS AND
52 FAILURE TO COMPLY WITH ALTERNATIVE REQUIREMENT PLANS.—The
53 department shall establish procedures for administering
54 penalties for nonparticipation in work requirements and failure
55 to comply with the alternative requirement plan. If an
56 individual in a family receiving temporary cash assistance fails
57 to engage in work activities required in accordance with s.
58 445.024, the following penalties shall apply. Before ~~Prior to~~

586-02759A-24

20247052pb

59 the imposition of a sanction, the participant must ~~shall~~ be
60 notified orally or in writing that the participant is subject to
61 sanction and that action will be taken to impose the sanction
62 unless the participant complies with the work activity
63 requirements. The participant must ~~shall~~ be counseled as to the
64 consequences of noncompliance and, if appropriate, ~~shall be~~
65 referred for services that could assist the participant to fully
66 comply with program requirements. If the participant has good
67 cause for noncompliance or demonstrates satisfactory compliance,
68 the sanction may ~~shall~~ not be imposed. If the requirements of s.
69 445.024(2)(a)1. are suspended pursuant to s. 445.024(2)(a)2., a
70 participant in noncompliance because of such suspension is
71 considered to have good cause for noncompliance for up to 6
72 weeks after the change in the participant's work requirements.
73 If the participant has subsequently obtained employment, the
74 participant must ~~shall~~ be counseled regarding the transitional
75 benefits that may be available and provided information about
76 how to access such benefits. The department shall administer
77 sanctions related to food assistance consistent with federal
78 regulations.

79 (a)1. First noncompliance: temporary cash assistance is
80 ~~shall be~~ terminated for the family for a minimum of 10 days or
81 until the individual who failed to comply does so.

82 2. Second noncompliance: temporary cash assistance is ~~shall~~
83 ~~be~~ terminated for the family for 1 month or until the individual
84 who failed to comply does so, whichever is later. Upon meeting
85 this requirement, temporary cash assistance must ~~shall~~ be
86 reinstated to the date of compliance or the first day of the
87 month following the penalty period, whichever is later.

586-02759A-24

20247052pb

88 3. Third noncompliance: temporary cash assistance is ~~shall~~
89 ~~be~~ terminated for the family for 3 months or until the
90 individual who failed to comply does so, whichever is later. The
91 individual must ~~shall be required to~~ comply with the required
92 work activity upon completion of the 3-month penalty period,
93 before reinstatement of temporary cash assistance. Upon meeting
94 this requirement, temporary cash assistance must ~~shall~~ be
95 reinstated to the date of compliance or the first day of the
96 month following the penalty period, whichever is later.

97 (b) If a participant receiving temporary cash assistance
98 who is otherwise exempted from noncompliance penalties fails to
99 comply with the alternative requirement plan required in
100 accordance with this section, the penalties provided in
101 paragraph (a) ~~shall~~ apply.

102
103 If a participant fully complies with work activity requirements
104 for at least 6 months, the participant must ~~shall~~ be reinstated
105 as being in full compliance with program requirements for
106 purpose of sanctions imposed under this section.

107 Section 2. Subsection (10) of section 414.105, Florida
108 Statutes, is amended to read:

109 414.105 Time limitations of temporary cash assistance.—
110 Except as otherwise provided in this section, an applicant or
111 current participant shall receive temporary cash assistance for
112 no more than a lifetime cumulative total of 48 months, unless
113 otherwise provided by law.

114 (10) A member of the staff of the local workforce
115 development board shall interview and assess the employment
116 prospects and barriers of each participant who is within 6

586-02759A-24

20247052pb

117 months of reaching the 48-month time limit. The staff member
118 shall do all of the following:

119 (a) Administer the exit survey required under s.
120 445.035(2).

121 (b) Use a tool to demonstrate future financial impacts of
122 the participant's change in income and benefits over time.

123 (c) Assist the participant in identifying actions necessary
124 to become employed before reaching the benefit time limit for
125 temporary cash assistance.

126 (d) and, If appropriate, shall refer the participant for
127 services that could facilitate employment, including, but not
128 limited to, transitional benefits and services.

129 Section 3. Section 414.455, Florida Statutes, is amended to
130 read:

131 414.455 Supplemental Nutrition Assistance Program;
132 legislative authorization.—

133 (1) Notwithstanding s. 414.45, and unless expressly
134 required by federal law, the department must shall obtain
135 specific authorization from the Legislature before seeking,
136 applying for, accepting, or renewing any waiver of work
137 requirements established by the Supplemental Nutrition
138 Assistance Program under 7 U.S.C. s. 2015(o).

139 (2) Unless prohibited by the Federal Government, the
140 department must require a person who is receiving food
141 assistance; who is 18 to 59 years of age, inclusive; who does
142 not have children under the age of 18 in his or her home; who
143 does not qualify for an exemption; and who is determined by the
144 department to be eligible, to participate in an employment and
145 training program.

586-02759A-24

20247052pb

146 Section 4. Present paragraph (k) of subsection (1) of
147 section 445.009, Florida Statutes, is redesignated as paragraph
148 (1), and a new paragraph (k) is added to that subsection, to
149 read:

150 445.009 One-stop delivery system.—

151 (1) The one-stop delivery system is the state's primary
152 customer-service strategy for offering every Floridian access,
153 through service sites or telephone or computer networks, to the
154 following services:

155 (k) Benefit management and career planning using a tool to
156 demonstrate future financial impacts of the participant's change
157 in income and benefits over time.

158 Section 5. Subsections (1) and (5) of section 445.011,
159 Florida Statutes, are amended to read:

160 445.011 Consumer-first workforce system.—

161 (1) The department, in consultation with the state board,
162 the Department of Education, and the Department of Children and
163 Families, shall implement, subject to legislative appropriation,
164 an automated consumer-first workforce system that improves
165 coordination among required one-stop partners and is necessary
166 for the efficient and effective operation and management of the
167 workforce development system. This system must ~~shall~~ include,
168 but is ~~is need~~ not ~~be~~ limited to, the following:

169 (a) An integrated management system for the one-stop
170 service delivery system, which includes, at a minimum, common
171 registration and intake for required one-stop partners,
172 screening for needs and benefits, benefit management and career
173 planning using a tool to demonstrate future financial impacts of
174 the participant's change in income and benefits over time, case

586-02759A-24

20247052pb

175 management, training benefits management, service and training
176 provider management, performance reporting, executive
177 information and reporting, and customer-satisfaction tracking
178 and reporting.

179 1. The system should report current budgeting, expenditure,
180 and performance information for assessing performance related to
181 outcomes, service delivery, and financial administration for
182 workforce programs pursuant to s. 445.004(5) and (9).

183 2. The system should include auditable systems and controls
184 to ensure financial integrity and valid and reliable performance
185 information.

186 3. The system should support service integration and case
187 management across programs and agencies by providing for case
188 tracking for participants in workforce programs, participants
189 who receive benefits pursuant to public assistance programs
190 under chapter 414, and participants in welfare transition
191 programs under this chapter.

192 (b) An automated job-matching information system that is
193 accessible to employers, job seekers, and other users via the
194 Internet, and that includes, at a minimum, all of the following:

195 1. Skill match information, including skill gap analysis;
196 resume creation; job order creation; skill tests; job search by
197 area, employer type, and employer name; and training provider
198 linkage.~~7~~

199 2. Job market information based on surveys, including
200 local, state, regional, national, and international occupational
201 and job availability information.~~7~~ ~~and~~

202 3. Service provider information, including education and
203 training providers, child care facilities and related

586-02759A-24

20247052pb

204 information, health and social service agencies, and other
205 providers of services that would be useful to job seekers.

206 (5) The department shall develop training for required one-
207 stop partners on the use of the consumer-first workforce system,
208 best practices for the use of a tool demonstrating future
209 financial impacts of the participant's change in income and
210 benefits over time, the different case management methods, the
211 availability of welfare transition services, and how to
212 prequalify individuals for workforce programs.

213 Section 6. Subsection (4) of section 445.017, Florida
214 Statutes, is amended to read:

215 445.017 Diversion.—

216 (4) (a) The local workforce development board shall screen
217 each family on a case-by-case basis for barriers to obtaining or
218 retaining employment. The screening must ~~shall~~ identify barriers
219 that, if corrected, may prevent the family from receiving
220 temporary cash assistance on a regular basis. At the time of
221 screening, the local workforce development board shall
222 administer the intake survey required under s. 445.035(2).

223 (b) Assistance to overcome a barrier to employment is not
224 limited to cash, but may include vouchers or other in-kind
225 benefits.

226 Section 7. Subsection (2) of section 445.024, Florida
227 Statutes, is amended to read:

228 445.024 Work requirements.—

229 (2) WORK ACTIVITY REQUIREMENTS.—Each individual who is not
230 otherwise exempt from work activity requirements must
231 participate in a work activity for the maximum number of hours
232 allowable under federal law; however, a participant may not be

586-02759A-24

20247052pb

233 required to work more than 40 hours per week. The maximum number
234 of hours each month that a family may be required to participate
235 in community service or work experience programs is the number
236 of hours that would result from dividing the family's monthly
237 amount for temporary cash assistance and food assistance by the
238 applicable minimum wage. However, the maximum hours required per
239 week for community service or work experience may not exceed 40
240 hours.

241 (a)1. A participant who has not earned a high school
242 diploma or its equivalent may participate in adult general
243 education, as defined in s. 1004.02(3), or a high school
244 equivalency examination preparation, as defined in s.
245 1004.02(16). A participant must participate in such program or
246 course for at least 20 hours per week in order to satisfy the
247 participant's work activity requirement.

248 2. If the state's TANF work participation rate, as provided
249 by federal law, does not exceed the federal minimum work
250 participation rate by 10 percentage points in any month, the
251 requirements of this subsection may be suspended by the
252 department until the work participation rate exceeds the federal
253 minimum work participation rate by 10 percentage points for at
254 least 3 consecutive months.

255 3. If the requirements of this subsection are suspended,
256 the department must issue notice to the affected participants of
257 the changed work requirements within 5 days after the change in
258 such work requirements.

259 (b)(a) A participant in a work activity may also be
260 required to enroll in and attend a course of instruction
261 designed to increase literacy skills to a level necessary for

586-02759A-24

20247052pb

262 obtaining or retaining employment if the instruction plus the
263 work activity does not require more than 40 hours per week.

264 (c)~~(b)~~ Program funds may be used, as available, to support
265 the efforts of a participant who meets the work activity
266 requirements and who wishes to enroll in or continue enrollment
267 in an adult general education program or other training
268 programs.

269 Section 8. Subsections (1) and (2) of section 445.028,
270 Florida Statutes, are amended to read:

271 445.028 Transitional benefits and services.—In cooperation
272 with the department, the Department of Children and Families
273 shall develop procedures to ensure that families leaving the
274 temporary cash assistance program receive transitional benefits
275 and services that will assist the family in moving toward self-
276 sufficiency. At a minimum, such procedures must include, but are
277 not limited to, the following:

278 (1) Each recipient of cash assistance who is determined
279 ineligible for cash assistance for a reason other than a work
280 activity sanction must ~~shall~~ be contacted by the workforce
281 system case manager and provided information about the
282 availability of transitional benefits and services. Such contact
283 must include the administration of the exit survey required
284 under s. 445.035(2) and ~~shall~~ be attempted before ~~prior to~~
285 closure of the case management file.

286 (2) Each recipient of temporary cash assistance who is
287 determined ineligible for cash assistance due to noncompliance
288 with the work activity requirements must ~~shall~~ be contacted and
289 provided information in accordance with s. 414.065(1). Such
290 contact must include the administration of the exit survey

586-02759A-24

20247052pb

291 required under s. 445.035(2).

292 Section 9. Section 445.0281, Florida Statutes, is created
293 to read:

294 445.0281 Transitional case management.—Each recipient of
295 cash assistance who is determined ineligible for cash assistance
296 for a reason other than noncompliance with work activity
297 requirements is eligible for voluntary case management services
298 administered by the local workforce development board. Case
299 management services must be available to support families who
300 transition to economic self-sufficiency and to mitigate
301 dependency on cash assistance. Case management services must
302 include, but are not limited to, career planning, job search
303 assistance, resume building, basic financial planning,
304 connection to support services, and benefits management using a
305 tool to demonstrate future financial impacts of the
306 participant's change in income and benefits over time, as
307 applicable. Case managers must connect recipients to other
308 transitional benefits as needed.

309 Section 10. Section 445.035, Florida Statutes, is amended
310 to read:

311 445.035 Data collection and reporting.—

312 (1) The Department of Children and Families and the state
313 board shall collect data necessary to administer this chapter
314 and make the reports required under federal law to the United
315 States Department of Health and Human Services and the United
316 States Department of Agriculture.

317 (2) CareerSource Florida, Inc., in collaboration with the
318 department, the Department of Children and Families, and the
319 local workforce development boards, shall develop standardized

586-02759A-24

20247052pb

320 intake and exit surveys for the purpose of collecting and
321 aggregating data to monitor program effectiveness, inform
322 program improvements, and allocate resources.

323 (a) The intake survey must be administered by the local
324 workforce development boards during the required diversion
325 screening process under s. 445.017. The intake survey must be
326 administered to each new recipient of temporary cash assistance
327 under chapter 414 who has not otherwise completed the survey.

328 (b) The intake survey must, at a minimum, collect
329 qualitative or quantitative data, as applicable, relating to all
330 of the following:

331 1. The recipient's perceived individual barriers to
332 employment.

333 2. The reasons cited by the recipient for his or her
334 separation from employment in the previous 12 months.

335 3. The recipient's stated goals for employment or
336 professional development.

337 4. The recipient's highest level of education or
338 credentials attained or training received at the time of
339 enrollment.

340 5. The recipient's awareness of welfare transition
341 services.

342 (c) The exit survey must be administered by the local
343 workforce development boards to recipients of temporary cash
344 assistance under chapter 414 as recipients prepare to transition
345 off of temporary cash assistance. Based on a recipient's
346 circumstances, the exit survey must be administered to the
347 recipient at one of the following points of contact:

348 1. The recipient is approaching the statutory time

586-02759A-24

20247052pb

349 limitation for temporary cash assistance and is interviewed
350 pursuant to s. 414.105(10); or

351 2. At such time when the recipient becomes ineligible for
352 cash assistance and is contacted pursuant to s. 445.028.

353 (d) The exit survey must, at a minimum, collect data
354 relating to all of the following:

355 1. The recipient's enrollment in other public benefits
356 programs at the time of exit.

357 2. Whether the recipient has a long-term career plan.

358 3. The recipient's credentials or education attained or
359 training received during enrollment.

360 4. Barriers to the recipient's employment which were
361 addressed during enrollment.

362 5. Any remaining barriers to the recipient's employment.

363 (e) The completed surveys must be submitted to CareerSource
364 Florida, Inc., and anonymized data must be disseminated
365 quarterly to the department and the Department of Children and
366 Families.

367 (f) The department, in consultation with CareerSource
368 Florida, Inc., and the Department of Children and Families,
369 shall prepare and submit to the President of the Senate and the
370 Speaker of the House of Representatives a report by January 1 of
371 each year. The report must include, at a minimum, the results of
372 the intake and exit surveys, an analysis of the barriers to
373 employment experienced by the survey respondents, and any
374 recommendations for legislative and administrative changes to
375 mitigate such barriers and improve the effective use of
376 transitional benefits.

377 Section 11. This act shall take effect July 1, 2024.

2/6/2024

Meeting Date

The Florida Senate APPEARANCE RECORD

SB 7052

Bill Number or Topic

Children, Families, Elder
Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Shauntel Smith

Phone (407) 855-7604

Address 17417 Orlando Central Parkway

Email legislation@florida.pta.org

Orlando FL 32809
City State Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by: Florida PTA

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-Joint-Rules.pdf)

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: SB 7052

INTRODUCER: Committee on Children, Families, and Elder Affairs

SUBJECT: Economic Self-Sufficiency

DATE: February 5, 2024 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hall	Tuszynski	CF	CF Submitted as Comm Bill/Fav
2.			FP	

I. Summary:

Public assistance programs help low-income families meet their basic needs, such as housing, food, and utilities. The most commonly utilized public assistance programs in Florida include Medicaid, the Supplemental Nutrition Assistance Program (SNAP) or food assistance, and the Temporary Assistance for Needy Families (TANF) Temporary Cash Assistance (TCA) program. In Florida, the majority of the participants in these programs are children.

While the goal of public assistance is, generally, to ensure that a family’s basic needs are met and facilitate economic advancement, families often exit programs before they are truly capable of maintaining self-sufficiency. A “benefit cliff” occurs when a modest increase in wages results in a net loss of income due to the reduction in or loss of public assistance funds that follows. Benefit cliffs create a financial disincentive for low-income individuals to earn more income due to the destabilization and uncertainty that often results from a loss in benefits, especially when the benefit lost was essential to a parent’s ability to reliably work.

SPB 7052 revises various components of the Temporary Assistance for Needy Families program (TANF), also known as Temporary Cash Assistance (TCA) and the Supplemental Nutrition Assistance Program (SNAP). The bill creates case management as a transitional benefit for families transitioning from TCA. The bill requires CareerSource Florida to use a tool to demonstrate future financial impacts of changes to benefits and income and local workforce boards to administer, analyze, and use data from intake and exit surveys of TCA recipients.

The bill requires the Department of Children and Families (DCF) to expand mandatory SNAP Employment and Training participation to include adults ages 18-59, who do not have children under age 18 in the home, or otherwise qualify for an exemption.

The bill has an indeterminate negative fiscal impact on state government.

The bill provides an effective date of July 1, 2024.

II. Present Situation:

Public Assistance Programs

Public assistance programs help low-income families meet their basic needs, such as housing, food, and utilities.¹ The social safety net for American families depends on the coordination of a complex patchwork of federal, state, and local funding and program administration.² Through various programs, public assistance is capable of helping families to keep children in their family home through economic difficulties³ and reducing the material hardship that has been linked to negative outcomes in children⁴, as well as driving the economy in times of market downturns⁵ and supporting the career advancement of low-income adults striving to break the cycle of intergenerational poverty.⁶

The process of facilitating the broad, conceptual goals of public assistance programs involves several federal programs with different levels of flexibility for states to tailor the programs to their own populations. The specific eligibility criteria and participation requirements vary by program through complementary state and federal policy.

The most commonly utilized public assistance programs in Florida include Medicaid, the Supplemental Nutrition Assistance Programs (SNAP) or food assistance, and the Temporary Assistance for Needy Families (TANF), or Temporary Cash Assistance (TCA) program. In Florida, the majority of participants in one or more of these programs are children; in May 2021, children accounted for roughly 60 percent of the total participants in any of these three programs. At that time, 54 percent of children in Florida were participating in at least one of these public assistance programs.⁷

¹ National Conference of State Legislatures, *Introduction to Benefits Cliffs and Public Assistance Programs* (2023), available at <https://www.ncsl.org/human-services/introduction-to-benefits-cliffs-and-public-assistance-programs> (last visited January 24, 2024).

² Brookings Institute, *State Social Safety Net Policy: How are States Addressing Economic Need?* (2023), available at <https://www.brookings.edu/events/state-social-safety-net-policy-how-are-states-addressing-economic-need/> (last visited January 24, 2024).

³ Providing assistance to needy families so that children can be cared for in their own homes is one of the four purposes of the TANF program. See Office of Family Assistance, *About TANF* (2022), available at <https://www.acf.hhs.gov/ofa/programs/tanf/about> (last visited January 24, 2024). See also Gennetian, L. & Magnuson, K., *Three Reasons Why Providing Cash to Families with Children is a Sound Policy Investment* (2022). Center on Budget and Policy Priorities, available at <https://www.cbpp.org/research/income-security/three-reasons-why-providing-cash-to-families-with-children-is-a-sound> (last visited January 24, 2024).

⁴ Karpman, M., Gonzalez, D., Zuckerman, S., & Adams, G., *What Explains the Widespread Material Hardships among Low-Income Families with Children?* (2018). Urban Institute, available at <https://www.urban.org/sites/default/files/publication/99521/what-explains-the-widespread-material-hardship-among-low-income-families-with-children-0.pdf> (last visited January 24, 2024).

⁵ Vogel, S., Miller, C., & Rolston, K., *Impact of USDA's Supplemental Nutrition Assistance Program (SNAP) on Rural and Urban Economies in the Aftermath of the Great Recession* (2021). USDA, Economic Research Service Economic Research Report Number 296, available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3938336 (last visited January 24, 2024).

⁶ Duncan, G., & Holzer, H., *Policies that Reduce Intergenerational Poverty* (2023). The Brookings Institute, available at <https://www.brookings.edu/articles/policies-that-reduce-intergenerational-poverty/> (last visited January 24, 2024).

⁷ Office of Program Policy Analysis and Government Accountability (OPPAGA). *Research Memorandum: Economic Self-Sufficiency*, Research Product 10. On file with the Senate Children, Families, and Elder Affairs Committee.

Barriers to Economic Self-Sufficiency

Benefit Cliffs

While the goal of public assistance programs is, generally, to ensure that a family's basic needs are met and facilitate economic advancement, families often exit programs before they are truly capable of maintaining self-sufficiency. A benefit cliff occurs when a modest increase in wages results in a net loss of income due to the reduction in or loss of public benefits that follows.⁸

Benefit cliffs create a financial disincentive for low-income individuals to earn more income due to the destabilization and uncertainty that often results from a loss in benefits, especially when the benefit lost was essential to a parent's ability to reliably work, such as child care.⁹ The fear of an impending benefit cliff can be sufficient to discourage career advancement. The complex nature of public assistance programs contributes to workers struggling to understand the timing and magnitude of benefits loss. This uncertainty, paired with economic insecurity, can prevent individuals from seeking or accepting opportunities for career advancement.¹⁰

The most significant benefit cliffs occur when a family loses housing or child care assistance. While a family is receiving housing and/or child care benefits, the costs for these necessities are a defined, affordable share of the family's income, but those expenses can skyrocket when the family enters the private market where there are no controls on prices.¹¹

Recidivism

Recidivism occurs when a family leaves an assistance program due to increased income and then returns to the program within two calendar years.¹² Some degree of recidivism is expected; assistance programs exist to support families through financial hardship and, regardless of personal planning, unanticipated events can cause families to find themselves financially unstable once again. A high rate of recidivism, however, indicates that families are not exiting a program at a point where they are able to maintain self-sufficiency. Due to the structure of some public benefits programs, families may be exiting the program into financially tenuous situations and without a clear path for upward mobility.¹³

⁸ Altig, D., Illin, E., Ruder, A., Terry, E., *Benefits Cliffs and the Financial Incentives for Career Advancement: A Case Study of the Health Care Services Career Pathway* (2020). The Federal Reserve Bank of Atlanta, available at <https://www.atlantafed.org/community-development/publications/discussion-papers/2020/01/31/01-benefits-cliffs-and-the-financial-incentives-for-career-advancement> (last visited January 24, 2024).

⁹ *Id.*

¹⁰ Federak Reserve Bank of Atlanta, *Career Ladder Identifier and Financial Forecaster (CLIFF)*, available at <https://www.atlantafed.org/economic-mobility-and-resilience/advancing-careers-for-low-income-families/cliff-tool> (last visited January 24, 2024).

¹¹ Ettinger de Cuba, S., *Cliff Effects and the Supplemental Nutritional Assistance Program* (2017), Federal Reserve Bank of Boston, available at <https://www.bostonfed.org/publications/communities-and-banking/2017/winter/cliff-effects-and-the-supplemental-nutrition-assistance-program.aspx#ft7> (last visited January 24, 2024).

¹² CareerSource Florida, *Temporary Assistance for Needy Families (TANF) Transitional Benefits Feasibility Study* (2023). On file with Senate Children, Families, and Elder Affairs Committee.

¹³ Bourdeaux, C. & Pandey, L., *Report on the Outcomes and Characteristics of TANF Leavers* (2017). Georgia State University, Center for State and Local Finance, available at <https://cslf.gsu.edu/download/outcomes-and-characteristics-of-tanf-leavers/?wpdmdl=6494571&refresh=5f7852f89a8bc1601721080> (last visited January 24, 2024).

Program recidivism is exacerbated by factors like the benefits cliff, where families are exiting a program with fewer net resources, and persistent barriers to employment that were not sufficiently addressed before the family exited the program.

Child Care

The lack of child care services presents a significant barrier to employment for the parents of small children. Rather than a personal, individual barrier to employment, the inaccessibility of child care is a structural problem that influences the behavior and economic outcomes for a broad swath of Americans. It is estimated that only 44 percent of U.S. families with children under the age of 13 can afford the full price of childcare without having to sacrifice other basic needs such as housing, food, healthcare, and transportation.¹⁴

The unavailability of appropriate, high quality child care affects both how parents participate in the workforce and children's development. Parents who want to work may have to work fewer hours or turn down higher-paying jobs in order to remain ineligible for child care assistance programs.¹⁵ There is a significant economic impact associated with parents opting out of the workforce, or choosing to remain in lower-paying jobs, due to the inaccessibility of quality, affordable child care.¹⁶

For parents who choose to remain in the workforce, the inability to afford quality child care can have negative effects on children's development. Parents may have to reduce their standard of living in order to afford child care and continue to work; if this results in the sacrifice of adequate housing and health care, this can adversely affect parents as well as children and lead to financial and psychological stress.¹⁷ Alternatively, parents may choose lower quality child care that is more affordable. The quality of child care, however, matters for the healthy development of children at early ages.¹⁸ Low quality child care can adversely affect children's task attentiveness and emotional regulation;¹⁹ whereas high quality child care has been associated

¹⁴ Birken, B., Ilin, E., Ruder, A., & Terry, E., *Restructuring the Eligibility Policies of the Child Care and Development Fund to Address Benefit Cliffs and Affordability: Florida As a Case Study* (2021). Federal Reserve Bank of Atlanta, available at <https://www.atlantafed.org/-/media/documents/community-development/publications/discussion-papers/2021/01-restructuring-the-eligibility-policies-of-the-child-care-and-development-fund-to-address-benefit-cliffs-and-affordability-2021-06-18.pdf> (last visited January 24, 2024).

¹⁵ Morrissey, T.W., *Child Care and Parent Labor Force Participation: A Review of the Research Literature* (2017). *Rev Econ Household* 15, 1-24. Available at <https://link.springer.com/article/10.1007/s11150-016-9331-3> (last visited January 24, 2024).

¹⁶ For more information on this economic impact, see, Altig, D., Ilin, E., Ruder, A., & Terry, E., *Benefits Cliffs and the Financial Incentives for Career Advancement: A Case Study of a Health Care Career Pathway* (2020). Federal Reserve Bank of Atlanta, available at <https://www.atlantafed.org/community-development/publications/discussion-papers/2020/01/31/01-benefits-cliffs-and-the-financial-incentives-for-career-advancement> (last visited January 24, 2024); and Council of Economic Advisers, *The Role of Affordable Child Care in Promoting Work Outside the Home* (2019), available at <https://trumpwhitehouse.archives.gov/wp-content/uploads/2019/12/The-Role-of-Affordable-Child-Care-in-Promoting-Work-Outside-the-Home-1.pdf> (last visited January 24, 2024).

¹⁷ *Supra*, note 14.

¹⁸ *Id.*

¹⁹ Gialamas, A., Mittinty, M., Sawyer, M., Zubrick, S., & Lynch, J., *Child Care Quality and Children's Cognitive and Socio-Emotional Development: an Australian Longitudinal Study* (2014). *Early Child Development and Care* 184 (7): 977-997.

with positive outcomes such as fewer reports of problem behaviors, higher cognitive performance, and higher language skills.²⁰

Education

A person's level of educational attainment has a significant impact on the employment opportunities available to that person and on his or her capacity for upward economic mobility over time. A person who attained at least a high school diploma, or the equivalent,²¹ has access to further education and professional development that are not available to individuals who did not complete high school. Higher levels of educational attainment are associated with higher employment rates and higher median earnings.²² For example, in 2022, the employment rate for adults ages 25 to 24 ranged from 61 percent among individuals who had not completed high school²³ to 87 percent for those with a bachelor's degree or higher.²⁴

The lack of a high school diploma, or the equivalent, complicates the transition to adulthood. Among youth who do not pursue post-secondary education, having a high school diploma leads to significantly more time employed during the early years of adulthood.²⁵ The top risk factor for homelessness among young adults is the lack of a high school diploma or an equivalent credential.²⁶ There are a variety of other long-term negative outcomes associated with dropping out of high school, such as lower median income²⁷, higher rates of criminal activity, higher rates of unemployment and incarceration, and poorer health.²⁸

²⁰ National Institute of Child Health and Human Development (NICHD), *Early Child Care Research Network. The NICHD Study of Early Child Care and Youth Development* (2005), available at https://www.nichd.nih.gov/sites/default/files/publications/pubs/documents/seccyd_06.pdf (last visited January 24, 2024).

²¹ The most commonly recognized high school equivalent is the General Educational Development (GED) credential. GED credentials are an alternative credential for individuals who did not complete high school. The FED is accepted by most colleges and universities that require a high school diploma for admission, and most companies that have positions requiring a high school diploma accept the GED as an alternative credential. For more information, see Stark, P. & Noel, A., *Trends in High School Dropout and Completion Rates in the United States: 1972-2012* (2015). US Department of Education, National Center for Education Statistics, available at <https://eric.ed.gov/?id=ED557576> (last visited January 25, 2024).

²² US Department of Education, *Report on the Condition of Education 2023* (2023), available at <https://nces.ed.gov/pubs2023/2023144rev.pdf> (last visited January 25, 2024).

²³ "High school completion" includes those who graduated from high school with a diploma, as well as those who completed a high school equivalency program, such as obtaining GED credentials.

²⁴ *Supra*, note 22; see also Stark, P. & Noel, A., *Trends in High School Dropout and Completion Rates in the United States: 1972-2012* (2015). US Department of Education, National Center for Education Statistics, available at <https://eric.ed.gov/?id=ED557576> (last visited January 25, 2024).

²⁵ McDaniel, M. & Kuehn, D., *What Does a High School Diploma Get You? Employment, Race, and the Transition to Adulthood* (2013). *The Review of Black Political Economy*. 40, 371-399, available at <https://journals.sagepub.com/doi/10.1007/s12114-012-9147-1> (last visited January 25, 2025).

²⁶ Morton, M.H., Dworsky, A., & Samuels, G.M., *Missed opportunities: Youth homelessness in America*. National estimates (2017). Chicago, IL: Chapin Hall at the University of Chicago, available at https://www.chapinhall.org/wp-content/uploads/ChapinHall_VoYC_NationalReport_Final.pdf (last visited January 25, 2024).

²⁷ Stark, P. & Noel, A., *Trends in High School Dropout and Completion Rates in the United States: 1972-2012* (2015). US Department of Education, National Center for Education Statistics, available at <https://eric.ed.gov/?id=ED557576> (last visited January 25, 2024).

²⁸ Lansford, J., Dodge, K., Pettit, G., & Bates, J., *A Public Health Perspective on School Dropout and Adult Outcomes: A Prospective Study of Risk and Protective Factors from Age 5 to 27 Years* (2016). *Journal of Adolescent Health*. 58. 652-658, available at [https://www.jahonline.org/article/S1054-139X\(16\)00049-5/fulltext](https://www.jahonline.org/article/S1054-139X(16)00049-5/fulltext) (last visited January 25, 2024).

Personal, social, and economic reasons may lead an individual to not complete high school; however, generally, people who did not complete high school are more likely to have grown up in low-income, single-parent households and lived in distressed communities than their counterparts who complete high school.²⁹ For low-income youths living in areas with high rates of income inequality, this has been tied to a perceived lower rate of return on investment for continuing high school.³⁰ This phenomena is consistent with the patterns of intergenerational poverty in the U.S.

Intergenerational Poverty

Intergenerational poverty occurs when individuals who grew up in families with incomes below the poverty line are themselves poor as adults. Children living in families with low incomes face an array of challenges that place them at a much higher risk of experiencing poverty in adulthood compared with other children.³¹ As a result, roughly one-third of children who grow up poor in the U.S. will also experience poverty as adults.³²

There are numerous social and cultural factors that contribute to intergenerational poverty, but key drivers influencing intergenerational mobility include:³³

- Education, spanning early education to career training;
- Children’s health and access to health care;
- Family employment, income, and wealth; and
- Crime and involvement with the criminal justice system.

Temporary Assistance for Needy Families (TANF)

The Temporary Assistance for Needy Families (TANF) system was established at the federal level in 1996 through the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996.³⁴ PRWORA ended the Aid to Families with Dependent Children (AFDC) program, a federal program which provided dedicated funding for cash assistance to needy families with children, and alternatively, created the broad-purpose TANF block grant.³⁵ TANF became effective July 1, 1997, and was reauthorized by the Deficit Reduction Act of 2005.

²⁹ *Supra*, note 25.

³⁰ Kearney, M. & Levine, P., *Income Inequality, Social Mobility, and the Decision to Drop Out of High School* (2016). *Brookings Papers on Economic Activity*, available at <https://www.brookings.edu/wp-content/uploads/2016/03/kearneytextspring16bpea.pdf> (last visited January 25, 2024).

³¹ National Academy of Sciences, Engineering, and Medicine, *Reducing Intergenerational Poverty* (2023). Washington, D.C.: The National Academies Press, available at <https://nap.nationalacademies.org/catalog/27058/reducing-intergenerational-poverty> (last visited January 25, 2024).

³² *Id.* For comparison, 17% of people who did not grow up in low-income environments will experience poverty as adults.

³³ *Id.* See also Duncan, G. & Holzer, H., *Policies that Reduce Intergenerational Poverty* (2023). Brookings Institute, available at <https://www.brookings.edu/articles/policies-that-reduce-intergenerational-poverty/> (last visited January 25, 2024).

³⁴ Center on Budget and Policy Priorities, *Policy Basics: Temporary Assistance for Needy Families* (2022), available at [https://www.cbpp.org/research/family-income-support/policy-basics-an-introduction-to-tanf#:~:text=States%20can%20use%20federal%20TANF,%2C%20and%20marriage%3B%20\(3\)](https://www.cbpp.org/research/family-income-support/policy-basics-an-introduction-to-tanf#:~:text=States%20can%20use%20federal%20TANF,%2C%20and%20marriage%3B%20(3)) (last visited January 25, 2024). See also U.S. Department of Health and Human Services, Office of Family Assistance, *Major Provisions of the Welfare Law* (1997), available at <https://www.acf.hhs.gov/ofa/policy-guidance/major-provisions-welfare-law> (last visited January 25, 2024).

³⁵ Congressional Research Service. *Temporary Assistance for Needy Families: The Decline in Assistance Receipt Among Eligible Individuals* (2023), available at <https://crsreports.congress.gov/product/pdf/R/R47503> (last visited January 25, 2024).

The TANF block grant annually distributes federal funds to states, territories, and tribes to accomplish four federally defined purposes:³⁶

- Provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives;
- End the dependence of needy parents on government benefits by promoting job preparation, work, and marriage;
- Prevent and reduce the incidence of out-of-wedlock pregnancies; and
- Encourage the formation and maintenance of two-parent families.

TANF itself is not a single cohesive program; rather, it is a system of funding streams used at the state and local level to provide a wide range of benefits, services, and activities with the general aim of minimizing the effects, or addressing the root causes, of childhood economic disadvantage.³⁷ States use TANF funds to operate state-designed and state-administered programs with significant discretion in how the funds are used to achieve the statutory goals of TANF.³⁸ Most federal regulation of TANF-funded state programs relate to funding spent on direct cash assistance and the recipients of such assistance.³⁹

TANF is funded through both federal and state dollars. The basic federal grant amount and minimum state amounts are set by law, based on expenditures in the pre-TANF programs in the early- to mid-1990s, and have not been adjusted for inflation or other changes in circumstances. States are required to contribute nonfederal “maintenance of effort” (MOE) funds based on state spending in the pre-TANF welfare programs. A state’s required MOE contribution is lowered for states who have met the federal work participation standard for TANF recipients.⁴⁰

Florida’s Temporary Cash Assistance (TCA) Program

Direct cash assistance to needy families is the foundation of public welfare in the U.S.⁴¹ prior to the establishment of TANF in 1996, direct cash assistance to needy families was the primary method of providing support to low-income families with children. Since the transition to the TANF block grant system, the number of families receiving direct cash assistance has waned significantly, even among eligible populations, and the majority of TANF funds are allocated for indirect methods of assisting families.⁴²

³⁶ U.S. Department of Health and Human Services. *About TANF* (2022), available at <https://www.acf.hhs.gov/ofa/programs/tanf/about> (last visited January 25, 2024).

³⁷ Congressional Research Service. *The Temporary Assistance for Needy Families (TANF) Block Grant: A Primer on TANF Financing and Federal Requirements* (2023), available at <https://crsreports.congress.gov/product/pdf/RL/RL32748> (last visited January 25, 2024).

³⁸ *Supra*, note 36.

³⁹ *Supra*, note 37.

⁴⁰ *Id.*

⁴¹ Public cash assistance to needy families has its origins in the early 1900s; state and local entities financed “mother’s pension” programs that provided support to single, often widowed, mothers so that children could be raised in their family homes rather than be institutionalized. See Congressional Research Service, *The Temporary Assistance for Needy Families (TANF) Block Grant: A Legislative History* (2023), available at <https://crsreports.congress.gov/product/pdf/R/R44668> (last visited January 25, 2024).

⁴² *Supra*, note 35.

The Temporary Cash Assistance (TCA) Program is Florida’s direct cash assistance program for needy families. The TCA program is one of several Florida programs funded with the TANF block grant. Through the TCA program, families who meet specific technical, income, and asset requirements⁴³ may receive cash assistance in the form of monthly payments deposited into an electronic benefits transfer (EBT) account.⁴⁴

The TCA program is administered by several state agencies through a series of contracts and memoranda of understanding. The Department of Children and Families (DCF) receives the federal TANF block grant funds, processes applications, determines initial eligibility, monitors ongoing eligibility, and disburses benefits to recipients. The Department of Commerce⁴⁵ (Florida Commerce) is responsible for financial and performance reporting to ensure compliance with federal and state measures and for providing training and technical assistance to Local Workforce Development Boards (LWDBs). LWDBs provide information about available jobs, on-the-job training, and education and training services within their respective areas and contract with one-stop career centers.⁴⁶ CareerSource Florida has planning and oversight responsibilities for all workforce-related programs and contracts with the LWDBs on a performance-basis.⁴⁷

The number of families receiving TCA dramatically increased during the COVID-19 pandemic, peaking at more than 50,000 families receiving TCA payments in July 2020.⁴⁸ While TCA caseloads have not yet returned to pre-pandemic levels, they have decreased steadily since July 2020. In November 2023, 34,015 families, including 44,309 children, received TCA.⁴⁹ Since 2016, Florida’s recidivism rate for the TCA program has averaged 30 percent’ approximately one third of families exiting TCA due to earned income were not successful in maintaining self-sufficiency.⁵⁰

⁴³ 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. See Florida Department of Children and Families, *Temporary Cash Assistance (TCA)*, available at <https://www.myflfamilies.com/services/public-assistance/temporary-cash-assistance> (last visited January 25, 2024).

⁴⁴ Florida Department of Children and Families, *Temporary Cash Assistance Fact Sheet* (2019), available at https://www.myflfamilies.com/sites/default/files/2022-10/tcafactsheet_0.pdf (last visited January 25, 2024).

⁴⁵ The Department of Commerce, formerly known as the Department of Economic Opportunity, was renamed as such in the 2023 Legislative session. See Ron DeSantis, *Governor DeSantis Signs Legislation to Streamline Economic Development in Florida* (2023), available at <https://www.flgov.com/2023/05/31/governor-desantis-signs-legislation-to-streamline-economic-development-in-florida/> (last visited January 25, 2024).

⁴⁶ Florida Department of Commerce, CareerSource Florida, *Workforce Innovation and Opportunity Act Annual Statewide Performance Report* (2023), available at <https://careersourceflorida.com/wp-content/uploads/2023/12/2022-23-WIOA-Annual-Performance-Report.pdf> (last visited January 25, 2024).

⁴⁷ *Id.*

⁴⁸ Florida Department of Children and Families, *ESS Standard Reports: Caseload Report*, available at <https://www.myflfamilies.com/services/public-assistance/additional-resources-and-services/ess-standard> (last visited January 25, 2024).

⁴⁹ Florida Department of Children and Families, *ESS Standard Reports: Flash Points*, available at <https://www.myflfamilies.com/services/public-assistance/additional-resources-and-services/ess-standard> (last visited January 25, 2024).

⁵⁰ CareerSource Florida, *Temporary Assistance for Needy Families (TANF) Transitional Benefits Feasibility Study*

TCA Eligibility

States have broad discretion in determining who is eligible for cash assistance. Florida's TCA program requires applicants to meet all of the following criteria in order to be eligible:⁵¹

- Be a U.S. citizen or qualified noncitizen in accordance with federal and state law;
- Be a legal resident of Florida;
- Have a minor child residing with a custodial parent or relative caregiver, or be a pregnant woman in the ninth month of pregnancy;
- Have a gross income of 185 percent or less of the federal poverty level;⁵²
- Have liquid or nonliquid resources, of all members of the family, valued at less than \$2,000;⁵³
- Register for work with the Local Workforce Development Board (LWDB), unless an applicant qualifies for an exemption.

In Florida, TCA eligible families fall into one of two case categories: work-eligible or child-only.⁵⁴ Work-eligible cases generally include adult or teenaged heads of household who are subject to work requirements and qualify for benefits based on the needs of the full family so long as work requirements are met. Child-only cases make up roughly half of TCA cases and include households wherein there is no work-eligible adult, such as participants in the Relative Caregiver Program;⁵⁵ such cases receive TCA benefits based only on the needs of the child rather than the full family. As of November 2023, there were 16,425 child-only TCA cases and 17,590 cases including an adult.⁵⁶

Florida imposes a lifetime limit of 48 cumulative months for an adult to be eligible for and receive cash assistance. Current law outlines specific, limited circumstances under which a person may be exempt from the time limitation. LWDBs are required to interview and assess the employment prospects and barriers of each participant who is within six months of reaching the 48-month time limit;⁵⁷ however, few families exit TCA due to the time limit. Most households receive TCA for fewer than six months.⁵⁸

⁵¹ Florida Department of Children and Families, *Temporary Assistance for Needy Families – State Plan Renewal*, October 1, 2020 – September 30, 2023, available at <https://www.myflfamilies.com/sites/default/files/2022-10/TANF-Plan.pdf> (last visited January 25, 2024).

⁵² Gross income cannot exceed 185% FPL, and a family's countable income cannot exceed the payment standard for the family size. There is a \$90 deduction on earned income per individual. See Florida Department of Children and Families, *Temporary Cash Assistance (TCA)*, available at <https://www.myflfamilies.com/services/public-assistance/temporary-cash-assistance> (last visited January 25, 2024).

⁵³ Licensed vehicles with a combined value of not more than \$8,500 are excluded if a family includes individuals subject to the work requirement, or if the vehicle is necessary to transport a disabled family member and the vehicle has been specially equipped to transport the disabled person. See s. 414.075, F.S.

⁵⁴ Section 414.045, F.S.

⁵⁵ The Relative Caregiver Program provides financial assistance to relatives who are caring full-time for an eligible child as an alternative to the child being placed in foster care. See Florida Department of Children and Families, *Temporary Cash Assistance (TCA)*, available at <https://www.myflfamilies.com/services/public-assistance/temporary-cash-assistance> (last visited January 25, 2024).

⁵⁶ *Supra*, note 49.

⁵⁷ Section 414.105, F.S.

⁵⁸ CareerSource Florida, *Temporary Assistance for Needy Families (TANF) Transitional Benefits Feasibility Study* (2023), on file with the Senate Children, Families, and Elder Affairs Committee.

TCA Monthly Payment Maximums⁵⁹			
<i>Family Size</i>	Shelter Obligation⁶⁰		
	\$50.01 and up Payment Standard	\$0.01-50.00 Payment Standard	\$0 Payment Standard
1	\$180	\$153	\$95
2	\$241	\$205	\$158
3	\$303	\$258	\$198
4	\$364	\$309	\$254
5	\$426	\$362	\$289
6	\$487	\$414	\$346
7	\$549	\$467	\$392
8	\$610	\$519	\$438
<i>Additional Person</i>	+\$62	+\$52	+\$48

TCA Work Requirement

To be eligible for full-family TCA, work-eligible adult family members must participate in work activities in accordance with s. 445.024, F.S., unless they qualify for an exemption.⁶¹ Individuals who fail to comply with the work requirements may be sanctioned.⁶² TCA applicants who are determined by DCF to not be exempt from the work requirement are referred by DCF to Florida Commerce for work registration and intake processing. DCF does not disburse benefits until Florida Commerce, or the LWDB, if applicable, has confirmed that the participant has registered for and attended orientation.

Upon referral, the participant must complete an intake application and undergo assessment by LWDB staff which includes:⁶³

- 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 the 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.

Once the assessment is complete, the staff member and participant create an individual responsibility plan (IRP). The IRP includes:⁶⁴

⁵⁹DCF, Temporary Cash Assistance Fact Sheet (2019), available at https://www.myflfamilies.com/sites/default/files/2022-10/tcafactsheet_0.pdf (last visited January 25, 2024).

⁶⁰ “Shelter obligation” reflects housing expenses, such as rent payments.

⁶¹ Section 414.095(1), F.S. a person may be exempted from the work requirement if they receive benefits under the Supplemental Security Income Program or the Security Disability Program, is a single parent of a child under three months of age (parenting preparation activities may be alternatively required), is exempt from the TCA limitation due to the hardship or not considered work-eligible under federal policy. See also DCF, Temporary Assistance for Needy Families – State Plan Renewal, October 1, 2020 – September 30, 2023, available at <https://www.myflfamilies.com/sites/default/files/2022-10/TANF-Plan.pdf> (last visited January 25, 2024).

⁶² Section 414.065, F.S.

⁶³ *Supra*, note 51.

⁶⁴ *Id.*

- The participant’s employment goal;
- The participants 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.

If an individual cannot participate in assigned work activities due to a medical incapacity, the individual may be exempted from the activity for a specified period of time.⁶⁵ To be excused from the work activity requirements, the participant’s medical incapacity must be verified by a physician, in accordance with the procedures established by DCF.⁶⁶

Qualifying Work Activities

Pursuant to state and federal law, there are 12 distinct types of work activities which can be used to satisfy a TCA recipient’s work requirement.⁶⁷ The 12 activities are categorized as either “core” or “supplemental” activities; such categorization impacts how the activity is counted toward a TCA recipient’s work requirement.

Work Activities	
“Core” Activities	“Supplemental” Activities
<ul style="list-style-type: none"> • Unsubsidized employment • Subsidized private-sector employment • Subsidized public-sector employment • Work experience • On-the-job training • Job search and job readiness assistance • Community service programs • Vocational educational training • Providing child care services to an individual participating in a community service program 	<ul style="list-style-type: none"> • Job skills training directly related to employment • Education directly related to employment • Completion of a secondary school program

While each of these activities may contribute toward a TCA recipient’s work requirement, federal policy limits the extent to which certain activities may satisfy the work requirement. Federal and state law further limits how the different work activities may count toward a person’s work requirement based on the characteristics of the individual and the length of time in which the individual engages in the activity.⁶⁸

The number of required work participation hours and the ratio of “core” to “supplemental” work activities is determined by the structure of the recipient family. “Core” activities can contribute to the entirety of a TCA recipient’s required work activity hours, while “supplemental” activities may only contribute after a recipient has completed the required hours of “core” activities. The

⁶⁵ Section 414.065(4)(d), F.S.

⁶⁶ Rule 65A-4.206(2) – (3), F.A.C.

⁶⁷ 45 CFR 261-30; s. 445.024(1), F.S.; *see also* DCF, *Temporary Assistance for Needy Families (TANF) – An Overview of Program Requirements* (2016), available at https://www.myflfamilies.com/sites/default/files/2022-10/TANF%20101%20final_1.pdf (last visited January 25, 2024).

⁶⁸ 45 CFR § 261.31; s. 445.024, F.S.; *see also* Congressional Research Service, *Temporary Assistance for Needy Families (TANF): The Work Participation Standard and Engagement in Welfare-to-Work Activities*, available at <https://crsreports.congress.gov/product/pdf/R/R44751> (last visited January 26, 2024).

number of work-eligible adults and the age of children in the family impact the required work participation hours.⁶⁹ For example, education directly related to employment includes activities such as GED examination prep courses, but these activities only count toward the full work participation hours of parents under the age of 20; once a parent is over 20 years of age, they can no longer count county GED prep courses toward their total required work activity hours.

Work Participation Requirements	
Family Composition	Required Work Participation Hours
Single parent with a child under age 6	20 hours weekly of “core” work activities
Single parent with a child over 6, or two-parent families where one parent is disabled	30 hours weekly with at least 20 hours of “core” work activities
Married teen or teen head of household under age 20	Maintains satisfactory attendance at secondary school or the equivalent, or participates in education related directly to employment for at least 20 hours weekly
Two-parent families who do not receive subsidized child care	35 hours weekly with at least 30 hours of “core” work activities, combined between both parents
Two-parent families who receive subsidized child care	55 hours weekly with at least 50 hours in “core” activities, combined between both parents

Sanctions for Noncompliance

TCA recipients who fail to comply with work requirements may be sanctioned by the LWDBs. Sanctions result in cash assistance being withheld for a specified period of time, the length of which increases with repeated lack of compliance.⁷⁰ The process for imposing sanctions involves coordination between agencies; the LWDB first becomes aware of the noncompliance, Florida Commerce tracks compliance and notifies recipients of possible adverse action, and DCF applies the sanctions.⁷¹

When a participant fails to comply with a mandatory work activity, the LWDB records the noncompliance in Florida Commerce’s tracking system and sends the recipient a notice of adverse action; the recipient then has 10 days to contact Florida Commerce to show good cause⁷² for missing the requirement.⁷³ During the 10-day waiting period, the LWDB must make both oral and written attempts to contact the participant to:⁷⁴

- Determine if the participant had good cause for failing to meet the work requirement;
- Refer to or provide services to the participant, if appropriate, to assist with the removal of barriers to participation;
- Counsel the participant on the consequences for failure to comply with work or alternative requirement plan activity requirements without good cause;

⁶⁹ DCF, *Temporary Assistance for Needy Families (TANF) – An Overview of Program Requirements*, available at https://www.myflfamilies.com/sites/default/files/2022-10/TANF%20101%20final_1.pdf (last visited January 26, 2024).

⁷⁰ Section 414.065, F.S.

⁷¹ Office of Program Policy Analysis & Government Accountability, *Mandatory Work Requirements for Recipients of Food Assistance and Cash Assistance Programs*, p. 4. On file with Senate Children, Families, and Elder Affairs Committee.

⁷² *Id.* DCF captures limited information regarding good cause for noncompliance in three categories: temporary illness, household emergency, and temporary transportation unavailable.

⁷³ *Id.* at 11. *See also* Rule 65A-4.205(3), F.A.C.

⁷⁴ Rule 65A-4.205(3), F.A.C.

- Provide information on transitional benefits if the participant subsequently obtained employment; and
- Make sure the participant understands that compliance with work activity requirements⁷⁵ during the 10-day period will avoid the imposition of a sanction.

If the recipient complies within 10 days, the LWDB does not request a sanction. However, if the recipient does not show good cause to the LWDB and does not comply, the LWDB sends DCF a sanction request.⁷⁶ Once DCF receives the sanction request from the LWDB, it then sends the recipient a notice of intent to sanction.⁷⁷ If the recipient does not show good cause within 10 days, the recipient is sanctioned by DCF, and DCF notifies Florida Commerce.⁷⁸

Section 414.065(4), F.S., allows for noncompliance related to the following to constitute exceptions to the penalties for noncompliance with work participation requirements:

- Unavailability of child care in certain circumstances⁷⁹
- Treatment or remediation of past effects of domestic violence;
- Medical incapacity;
- Outpatient mental health or substance abuse treatment; and
- Decision pending or Supplemental Security Income or Social Security Disability Income.

Section 414.065(4)(g), F.S., grants rulemaking authority to DCF to determine other situations that would constitute good cause for noncompliance with work participation requirements. It specifies that these situations must include caring for a disabled family member when the need for the care has been verified and alternative care is not available.⁸⁰

Florida Commerce classifies reasons for sanctions for noncompliance in the following categories:⁸¹

- Failure to respond to a mandatory letter.⁸² Typically, this is the letter recipients receive from Florida Commerce upon referral from DCF requiring them to register with Florida Commerce.
- Failure to attend a work activity.
- Failure to turn in a timesheet.
- Failure to attend training.

⁷⁵ The LWDB designee must provide the participant with another work activity within the 10-day period if it is impossible for the participant to comply with the original assigned activity.

⁷⁶ *Supra*, note 71. DCF only receives a request for sanction and not the reasons for the sanction. *See also* Rule 65A-4.205(4), F.A.C.

⁷⁷ *Id.*

⁷⁸ *Id.* *See also* Rule 65A-4.205(4), F.A.C.

⁷⁹ Specifically, if the individual is a single parent caring for a child who has not attained six years of age, and the adult provides to the LWDB an inability to obtain needed child care for one or more of the following reasons, as defined in the Child Care and Development Fund State Plan required by 45 CFR part 98: (1) the unavailability of appropriate child care within a reasonable distance from the individual's home or work site; (2) the unavailability or unsuitability of informal child care by a relative or under other arrangements; or (3) the unavailability of appropriate and affordable formal child care arrangements. S. 414.065(4)(a), F.S.

⁸⁰ Section 414.065(4)(g), F.S.

⁸¹ *Supra*, note 71.

⁸² *Id.* For work-eligible individuals with at least one sanction in FFY 2017, over half the sanctions were for failure to respond to a mandatory letter in 14 of 24 LWDBs.

- Failure to turn in necessary documentation.

Consequences of sanctions are as follows:⁸³

- First noncompliance – cash assistance is terminated for the full-family for a minimum of ten days or until the individual complies.
- Second noncompliance – cash assistance is terminated for the full-family for one month or until the individual complies, whichever is later.
- Third noncompliance – cash assistance is terminated for the full-family for three months or until the individual complies, whichever is later.

For the second and subsequent instances of noncompliance, the TCA for the child or children in a family who are under age 16 may be continued (i.e., the case becomes a child only case). Any such payments must be made through a protective payee, and under no circumstances may temporary cash assistance or food assistance be paid to an individual who has not complied with program requirements.⁸⁴ If a previously sanctioned participant fully complies with work activity requirements for at least six months, then the participant can be reinstated as being in full compliance with program requirements and TCA payments can resume.⁸⁵

Federal Work Participation Standard

The federal government sets a minimum work participation standard which states must meet as a part of the conditions of receiving TANF funding. The work participation standard is intended to measure how a state is performing in engaging TANF recipients in work or work activities and reinforce the programmatic goal of transitioning families from welfare to work.⁸⁶ Federal law stipulates that 50 percent of all families and 90 percent of two-parent families must be engaged in work in order to meet the standard⁸⁷; however, in practice, the minimum standard varies by state due to caseload reduction credits a state can earn. For the 2022 fiscal year, Florida’s adjusted standard was 12.3% for “all families” and 52.3% for two parent families.⁸⁸ States may be subject to penalties if the federal minimum work participation rates are not met, though the federal government may reduce or waive these penalties in negotiation with states.⁸⁹

TANF Transitional Benefits

One of the express goals of the TANF Block Grant program is to end family dependence on public benefits by promoting job preparation and work; this is foundational to the welfare-to-work concept on which the TANF Block Grant is based.⁹⁰ Most parents who receive temporary

⁸³ Section 414.065(1), F.S.

⁸⁴ Section 414.065(2), F.S.

⁸⁵ Section 414.065, F.S.

⁸⁶ Congressional Research Service, *Temporary Assistance for Needy Families (TANF): The Work Participation Standard and Engagement in Welfare-to-Work Activities*, available at <https://crsreports.congress.gov/product/pdf/R/R44751> (last visited January 27, 2024).

⁸⁷ 45 CFR § 261.20.

⁸⁸ US Department of Health & Human Services, Administration for Children and Families, *Temporary Assistance for Needy Families (TANF) and Separate State Programs Maintenance of Effort (SSP-MOE): Work Participation Rates and Engagement in Work Activities Fiscal Year 2022*, available at: <https://www.acf.hhs.gov/ofa/data/work-participation-rates-fiscal-year-2022> (last visited January 29, 2024).

⁸⁹ 45 CFR § 261.50.

⁹⁰ *Supra*, note 86.

cash assistance benefits work both before and after leaving the program; however, they are predominately employed in low-wage jobs with few options for advancement.⁹¹ TANF transitional benefits help families navigate this period when they become eligible for TCA but are not yet self-sufficient.

TCA recipients who become ineligible due to reasons other than noncompliance with work requirements, such as time limits or earned income, are eligible for transitional benefits intended to reduce the unintended negative effects of the lost benefits. Transitional benefits are designed to support work retention and advancement and assist individuals in achieving economic self-sufficiency.

Families generally become ineligible for TCA when their income reaches 185 percent of the federal poverty level (FPL), at which point they become eligible for transitional benefits.⁹² Current law outlines four types of transitional benefits which are available to qualifying former TCA recipients.

Transitional Benefits		
Benefit Type	Description	Eligibility Requirements
Transitional Child Care ⁹³	Provides subsidized child care vouchers to families	Available for up to 24 months, with an income cap of 200% FPL
Transitional Medical ⁹⁴	Allows families to remain eligible for Medicaid	Available for up to 12 months, with an income cap of 185% FPL after 6 months
Transitional Education and Training ⁹⁵	Job-related education and training	Available for up to 24 months, with an income cap of 200% FPL
Transitional Transportation ⁹⁶	Support typically provided to families in the form of payment for public transportation or gas	Available for up to 24 months, with an income cap of 200% FPL

CareerSource Florida, Inc., administers transitional benefits through the LWDBs. The provision of transitional benefits depends on the LWDBs available resources and funding, as well as the availability of appropriate services locally.⁹⁷

⁹¹ Center on Budget and Policy Priorities, *Most Parents Leaving TANF Work, but in Low-Paying, Unstable Jobs, Recent Studies Find*, available at <https://www.cbpp.org/research/family-income-support/most-parents-leaving-tanf-work-but-in-low-paying-unstable-jobs> (last visited January 27, 2024).

⁹² See DCF, Temporary Cash Assistance (TCA), available at <https://www.myflfamilies.com/services/public-assistance/temporary-cash-assistance> (last visited January 27, 2024). To be eligible, a family’s gross income must be less than 185% FPL, and countable income cannot exceed the payment standard for the family size. There is a \$90 deduction from each individual’s gross earned income.

⁹³ Section 445.032, F.S.

⁹⁴ Section 445.029, F.S.

⁹⁵ Section 445.030, F.S.

⁹⁶ Section 445.031, F.S.

⁹⁷ CareerSource Florida, Inc., Legislative Inquiry Response (2024), on file with the Senate Children, Families, and Elder Affairs Committee.

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).⁹⁸ SNAP is the nation's largest domestic food and nutrition program for low-income Americans, offering nutritional assistance to millions of individuals and families each year through the provision of funds that can be used to purchase eligible foods.⁹⁹ In fiscal year 2020, SNAP provided assistance to approximately 39.9 million people living in 20.5 million households across the U.S.¹⁰⁰ SNAP benefits support individual households by reducing the effects of poverty and increasing food security while supporting economic activity across communities, as SNAP benefits directly benefit farmers, retailers, food processors and distributors, and their employees.¹⁰¹

SNAP is a federal program administered at the state level in Florida by DCF.¹⁰² DCF determines and monitors eligibility and disburses benefits to SNAP participants. The state and federal governments share the administrative costs of the program, while the federal government funds 100% of the benefit amount received by participants.¹⁰³ 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.¹⁰⁴

The Thrifty Food Plan, a minimal cost food plan reflects current nutrition standards and guidance, the nutrient content and cost of food, and consumption patterns of low-income households, was developed by the USDA to serve as the basis for the determination of SNAP

⁹⁸ 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 US Department of Agriculture, Food and Nutrition Service, *Short History of SNAP*, available at <https://www.fns.usda.gov/snap/short-history-snap> (last visited January 27, 2024).

⁹⁹ US Department of Agriculture, Economic Research Service, *Supplemental Nutrition Assistance Program (SNAP) Overview*, available at <https://www.ers.usda.gov/topics/food-nutrition-assistance/supplemental-nutrition-assistance-program-snap/> (last visited January 27, 2024).

¹⁰⁰ US Department of Agriculture, Food and Nutrition Service, *Characteristics of SNAP Households: FY 2020 and Early Months of the COVID-19 Pandemic: Characteristics of SNAP Households*, available at <https://www.fns.usda.gov/snap/characteristics-snap-households-fy-2020-and-early-months-covid-19-pandemic-characteristics> (last visited January 27, 2024).

¹⁰¹ US Department of Agriculture, Economic Research Service, *Supplemental Nutrition Assistance Program (SNAP) Economic Linkages*, available at <https://www.ers.usda.gov/topics/food-nutrition-assistance/supplemental-nutrition-assistance-program-snap/economic-linkages/> (last visited January 27, 2024).

¹⁰² Section 414.31, F.S.

¹⁰³ Center on Budget and Policy Priorities, *Policy Basics: The Supplemental Nutrition Assistance Program (SNAP)*, available at <https://www.cbpp.org/research/policy-basics-the-supplemental-nutrition-assistance-program-snap#:~:text=The%20federal%20government%20pays%20the,the%20states%2C%20which%20operate%20it> (last visited January 27, 2024).

¹⁰⁴ US Department of Agriculture, Food and Nutrition Service, *State Options Report*, available at <https://www.fns.usda.gov/snap/waivers/state-options-report> (last visited January 27, 2024).

benefits.¹⁰⁵ SNAP benefits are intended to supplement food purchases made with a household's own income; as such, the formula used to determine SNAP benefits assumes that a household will spend 30 percent of their net income on food purchases.¹⁰⁶ The benefit allotted to SNAP households is equal to the difference between the maximum allotment for their household size and 30 percent of their net income.¹⁰⁷ The structure of this formula ensures that the lowest income households receive the most benefits.

As of January 2023, 3,220,757 individuals, including 1,262,174 children and 1,017,860 elderly or disabled individuals, were receiving SNAP benefits in Florida.¹⁰⁸

SNAP Eligibility and Work Requirements

To be eligible for SNAP, households must meet the following criteria: (1) gross monthly income must be at or below 130 percent of the poverty level; (2) net income must be equal to or less than the poverty level; and (3) assets must be below the limits set based on household composition.¹⁰⁹

Individuals may be deemed ineligible for SNAP due to any of the following:¹¹⁰

- Conviction for drug trafficking;
- Fleeing a felony warrant;
- Breaking SNAP or TANF program rules;
- Failure to cooperate with the child support enforcement agency; or
- Being a noncitizen without qualified status.

Able-bodied, non-elderly adults are generally required to participate in work activities in order to be eligible for SNAP. Federal policy outlines two tiers of work requirements for SNAP recipients: the general work requirement and the Able-Bodied Adult Without Dependents (ABAWD) work requirement. The general work requirement applies to all recipients between 16 and 59 years of age, unless they qualify for an exemption.¹¹¹ The general work requirements include requiring a recipient register for work, participating in SNAP Employment and Training

¹⁰⁵ US Department of Agriculture, Food and Nutrition Service, *Nutrition Assistance Program Report: Barriers that Constrain the Adequacy of Supplemental Nutrition Assistance Program Allotments: Survey Findings*, p.9, available at <https://fns-prod.azureedge.us/sites/default/files/resource-files/SNAP-Barriers-SurveyFindings.pdf> (last visited January 27, 2024).

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ Email from Chad Corcoran, Deputy Director of Legislative Affairs, Department of Children and Families, Re: SNAP Participants (March 2, 2023), on file with the Senate Children, Families, and Elder Affairs Committee.

¹⁰⁹ US Department of Agriculture, *Indicators of Diet Quality, Nutrition, and Health for Americans by Program Participation Status, 2011-2016: SNAP Report, Final Report* (2021), available at <https://fns-prod.azureedge.us/sites/default/files/resource-files/Indicators-Diet-QualitySNAP.pdf> (last visited January 27, 2024).

¹¹⁰ DCF, SNAP Eligibility, available at <https://www.myflfamilies.com/services/public-assistance/supplemental-nutrition-assistance-program-snap/snap-eligibility> (last visited January 27, 2024). *See also* s. 414.32, F.S.

¹¹¹ A person may be excused from the general work requirement if they are already working at least 30 hours per week, meeting the work requirements for another program, taking care of a child under 6 or an incapacitated person, unable to work due to a physical or mental limitation, participating regularly in an alcohol or drug treatment program, or studying in school or a training program at least half-time. *See* US Department of Agriculture, Food and Nutrition Service, *SNAP Work Requirements*, available at <https://www.fns.usda.gov/snap/work-requirements> (last visited January 27, 2024).

(E&T) or workfare if assigned, taking a suitable job if offered, and not voluntarily quitting a job or reducing work hours below 30 a week without a good reason.¹¹²

Adults between age 18 and 52, able-bodied, and without dependents are subject to the ABAWD work requirement and time limit, unless otherwise exempt.¹¹³ ABAWDs are required to work or participate in a qualifying work program for a combined total of at least 80 hours per month. ABAWDs who fail to comply with the ABAWD work requirement for three months in a 36-month period will lose their SNAP benefits.¹¹⁴

SNAP Mandatory Employment and Training

SNAP Employment and Training (SNAP E&T) is intended to help SNAP recipients gain skills, training, work, or experience that will help them obtain regular employment. States are required to operate a SNAP E&T program which includes case management and at least one of the following components:

- Supervised job search;
- Job search training;
- Workfare;
- Work experience;
- Education; or
- Self-employment.

Beyond simply requiring a state to operate a SNAP E&T program and setting the minimum components, states have significant flexibility in how they design their SNAP E&T programs in order to meet the needs of SNAP participants and address local workforce needs.¹¹⁵

Florida operates a mandatory SNAP E&T program for adults between the ages of 18 and 59¹¹⁶ without dependents who are not exempt from the general or ABAWD work requirements. SNAP E&T components that are available to mandatory E&T participants include supervised job search, job search training, work experience, education, vocational training, and job retention services. If DCF determines there is not an appropriate and available SNAP E&T component for an individual, the participant will be exempt from mandatory SNAP E&T participation.¹¹⁷

¹¹² US Department of Agriculture, Food and Nutrition Service, *SNAP Work Requirements*, available at <https://www.fns.usda.gov/snap/work-requirements> (last visited January 27, 2024).

¹¹³ *Id.* Adults who are unable to work due to a physical or mental limitation, are pregnant, have someone under 18 in their SNAP household, are excused from the general work requirement (see also, note 111), are a veteran, experiencing homelessness, or were in foster care on their 18th birthday and are under the age of 24 are exempt from the ABAWD requirements.

¹¹⁴ US Department of Agriculture, Food and Nutrition Service, *Supplemental Nutrition Assistance Program (SNAP) ABAWD Policy Guide*, available at <https://fns-prod.azureedge.us/sites/default/files/resource-files/SNAP-ABAWD-Policy-Guide-September-2023.pdf> (last visited January 27, 2024).

¹¹⁵ *Id.*

¹¹⁶ In 2024, Florida expanded the definition of mandatory E&T participants to include ABAWDs and work registrants between the ages of 18 and 59 who do not have children in the household. See DCF, *Supplemental Nutrition Assistance Program (SNAP) Employment and Training (E&T) State Plan – Federal Fiscal Year 2024*, available at https://www.floridajobs.org/docs/default-source/lwdb-resources/programs-and-resources/snap/florida-fy2024-snap-et-state-plan-final_10-31-2023.pdf?sfvrsn=96c95db0_2 (last visited January 29, 2024).

¹¹⁷ *Id.*

Currently, when ABAWDs are determined eligible for benefits, DCF refers these clients to Florida Commerce and the CareerSource Florida network to engage in a comprehensive assessment to identify barriers to employment, training needs, and professional opportunities. Florida Commerce and CareerSource Florida utilize relationships with educational institutions, private sector employers and programs like apprenticeships to assist Floridians in achieving meaningful employment.¹¹⁸

DCF is required to reimburse SNAP E&T participants for all reasonable, allowable, and necessary expenses related to program participation. This may include, but is not limited to, childcare, tuition, books, and work uniforms. If DCF is unable to reimburse the participant, the individual must be exempted from mandatory participation in the SNAP E&T program.¹¹⁹

Career Ladder Identifier and Financial Forecaster (CLIFF)

The Career Ladder Identifier and Financial Forecaster (CLIFF) navigator is a suite of tools developed by the Federal Reserve Bank of Atlanta to model the interaction of public benefits, taxes, and tax credits with career advancement. The tool is used to help working families navigate the complex system of public assistance, stabilize their financial situation in the short term, and plan long term career paths.¹²⁰

CareerSource Florida, Inc. partnered with the Federal Reserve Bank of Atlanta to incorporate the CLIFF tool into state workforce programs. A Florida-specific suite of CLIFF tools has been developed and is being introduced into the local workforce development boards' processes, and staff at both CareerSource Florida, Inc. and DCF have received training on the suite of CLIFF tools. The goal of this program is to assist Floridians in identifying career strategies and achieving economic stability while minimizing the negative impacts of losing public assistance.¹²¹

III. Effect of Proposed Changes:

Temporary Assistance for Needy Families (TANF)

Qualifying work activities

Section 7 of the bill amends s. 445.024, F.S., to allow adults who have not attained a high school diploma, or its equivalent, to satisfy their work activity requirement by participating in adult general education or a high school equivalency examination program by participating for at least 20 hours per week.

¹¹⁸ DCF, *Economic Self-Sufficiency – SNAP Work Requirements Memo*, on file with the Senate Children, Families, and Elder Affairs Committee.

¹¹⁹ *Id.*

¹²⁰ Federal Reserve Bank of Atlanta, *Career Ladder Identifier and Financial Forecaster (CLIFF)*, available at <https://www.atlantafed.org/economic-mobility-and-resilience/advancing-careers-for-low-income-families/cliff-tool> (last visited January 29, 2024).

¹²¹ CareerSource Florida, *2022-2023 Annual Report*, available at https://careersourceflorida.com/wp-content/uploads/2023/12/CAREERSOURCE-FLORIDA-FY-22-23-ANNUAL-REPORT_DIGITAL.pdf (last visited January 29, 2024).

The bill also includes a mechanism by which the work activity requirements may be suspended if the work participation rate (WPR) does not exceed the federal minimum by more than 10 percent. Florida Commerce may suspend the provision until the state has again exceeded the federal minimum by 10 percent for three consecutive months. If the provision is expended, the section requires Florida Commerce to issue a notice to the affected TCA recipients within five days of the policy's suspension.

Section 1 of the bill amends s. 414.065, F.S., to protect individuals who participate in the adult basic education or high school equivalency examination preparation as a work activity during a suspension of the work activity requirements as referenced in section 7. Section 1 allows this "noncompliance" due to the suspension to be considered good cause for noncompliance for up to 6 weeks after the change in the participant's requirements.

Transitional Case Management

Section 9 of the bill creates s. 445.0281, F.S., to create transitional case management as a service available to families who have transitioned off of cash assistance. Individuals who have been determined ineligible for a reason other than noncompliance with work activity requirements are eligible for voluntary case management services administered by the local workforce development board.

The bill requires case management to include career planning, job search assistance, resume building, basic financial planning, connection to support services, and benefits management using a tool to demonstrate the financial impacts of changes in income and benefits over time. Case managers are directed to connect recipients to other transitional benefits as needed.

Section 5 of the bill amends s. 445.011, F.S., to direct Florida Commerce to develop training for the local development boards relating to case management methods and the provision of welfare transition services generally.

Data Collection

Section 10 of the bill amends s. 445.035, F.S., to direct CareerSource Florida, Inc., in collaboration with Florida Commerce and DCF, to develop standardized surveys for TCA recipients to be administered by the LWDBs. The section requires CareerSource Florida, Inc., to develop an intake survey to collect baseline information as a person is entering the program, and an exit survey to collect information which can be used to discern programmatic impacts on individuals over time. The stated purpose of the surveys is to monitor program effectiveness, inform program improvements, and effectively allocate resources.

The bill requires intake surveys to collect, at a minimum:

- Information relating to perceived barriers to employment;
- Reasons for past separation from employment;
- Stated goals for employment or professional development;
- The highest level of education or training the individual has attained; and
- Awareness of non-cash assistance transitional services.

The bill direct the LWDBs to administer the intake survey in conjunction with the diversion screening process required under s. 445.017, F.S., or in case of administrative oversight, requires the survey to be completed by each new TCA recipient who has not otherwise completed the survey.

The bill requires that the exit surveys collect, at a minimum:

- Information on the recipient’s enrollment in other benefits programs;
- The recipient’s long-term career plan;
- The recipient’s credentials, education attained, or training received during enrollment;
- Barriers to the recipient’s employment which were addressed during enrollment;
- Any remaining barriers to the recipient’s enrollment.

The bill also directs the local workforce development boards to submit the completed surveys to CareerSource Florida, Inc., and disseminate anonymized data to Florida Commerce and DCF on a quarterly basis. The bill requires Florida Commerce, in consultation with CareerSource Florida, Inc., and DCF to prepare and submit a report to the Legislature annually. The report is to include survey results, an analysis of the barriers to employment faced by survey respondents, and recommendations for legislative and administrative changes to mitigate such barriers and improve the effective use of transitional benefits.

Section 2 of the bill amends s. 414.105, F.S., to require the LWDBs to administer exit surveys to each participant who is within six months of reaching the 48-month limit. **Section 8** amends s. 445.028, F.S. to require the workforce system case manager at LWDBs to administer an exit survey to recipients deemed ineligible for a reason other than work activity sanctions or for noncompliance with work activity requirements.

Supplemental Nutritional Assistance Program (SNAP)

Section 3 of the bill amends s. 414.455, F.S., to direct DCF, unless prohibited by the federal government, to require participation in SNAP employment and training program among recipients who:

- Are eligible for the program;
- Are between the aged of 18 and 59;
- Do not have children under the age of 18 in the home; and
- Do not otherwise meet an exemption.

This provision is consistent with Florida’s current SNAP E&T plan which has been approved by the federal government.

Career Ladder Identifier and Financial Forecaster (CLIFF)

The bill requires the use of a tool “to demonstrate future financial impacts” (hereinafter, “tool”) relating to a person’s change in income and benefits in several settings. The CLIFF suite of tools developed with the Federal Reserve Bank of Atlanta is currently used for this purpose.

Section 2 of the bill amends s. 414.105, F.S., to require the tool be implemented during the interview process that occurs when a TCA recipient is within six months of approaching the 48-

month time limit. The tool is also included in the required elements of the newly created transitional case management in **section 9** of the bill.

Section 4 of the bill amends s. 445.009, F.S., to require the tool be included in the state's one-stop delivery system for offering every Floridian access to workforce development and support, through services sites or telephone or computer networks.

Section 5 of the bill amends s. 445.011, F.S., to require Florida Commerce to integrate the CLIFF tool into the workforce service delivery system and develop training for the local workforce development boards, and other workforce system partners, on the use of the tool.

Other changes

The bill makes non-substantive style and language changes or conforming changes throughout to give effect to the substantive provisions of the bill.

Section 11 of the bill provides an effective date of July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Services for current and former TCA recipients

Both Florida Commerce and CareerSource Florida will experience a workload increase to implement the new requirements for data collection. Depending on the degree to which former TCA recipients use the new transitional case management services, CareerSource Florida may also see a workload increase from providing that service. The total fiscal impact is indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends ss. 414.065, 414.105, 414.455, 445.009, 445.011, 445.017, 445.024, 445.028, and 445.035 of the Florida Statutes.

This bill creates ss. 445.0281 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.



CCWIS MODERNIZATION PROJECT UPDATE

SENATE CHILDREN, FAMILIES, AND SENIORS
COMMITTEE

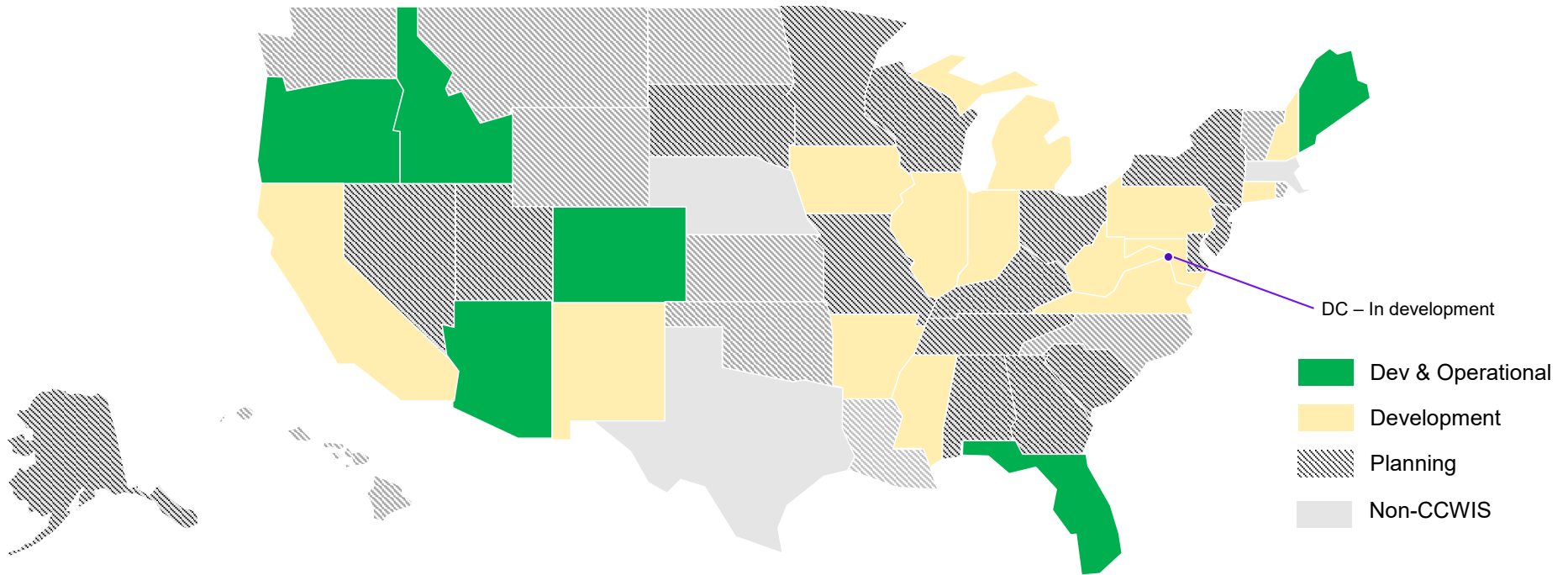
FEBRUARY 6, 2024

PRESENTED BY:

COLE SOUSA, CHIEF INFORMATION OFFICER

KATE WILLIAMS, ASSISTANT SECRETARY OFFICE OF CHILD
AND FAMILY WELLBEING

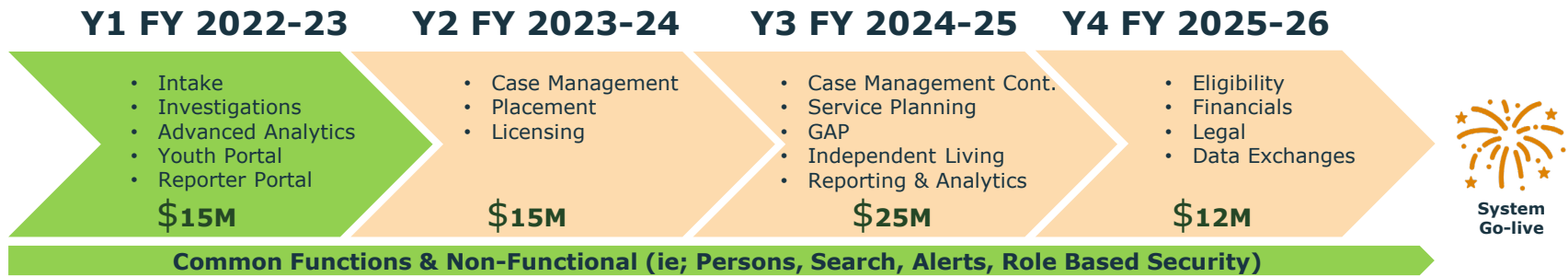
CCWIS National Landscape



- Florida is the first large state to implement major modules in Comprehensive Child Welfare Information System (CCWIS).
- Five states have fully deployed a CCWIS system.
- 62% of states are still in planning stages.
- Two states have opted out. (Texas and Nebraska).



CCWIS Project (FY 2022-23 THROUGH FY 2025-26)



Color Key

- Development Completed (Green arrow)
- Proposed Scope (Orange arrow)

- **Year 2 (current):**
 - DCF/CBC Lead Agency workgroup collaboration to validate system requirements for case management
 - Organizational change management activities
 - Kickoff initial development of case management module
- **Year 3 (FY 2024-25)**
 - Budget = \$25M (Requested)
 - Planned scope: Service planning, service delivery, GAP, Independent Living
- **Year 4 (FY 2025-26)**
 - Budget = \$12M (Planned)
 - Planned scope: Eligibility, financials, legal



Phase 1 Feedback

The Reporter Portal is easy to use and more efficient for mandated reporters.

The ability to verify addresses within the system is helpful and efficient.

It is much easier to navigate the new system and layout.



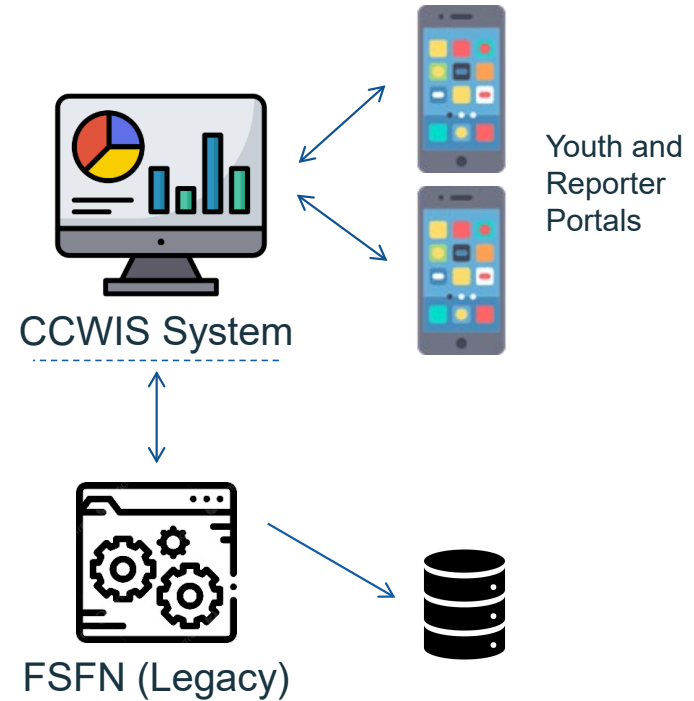
CCWIS Phase 1 Implementation

CCWIS System:

- A new CCWIS System platform with supporting enterprise architecture and infrastructure
- New Intake Module
 - Fully developed and deployed
- New Investigations Module
 - Fully developed
 - Phased Implementation

Portals:

- Reporter Portal
- Youth Portal and Application
- Analytics Portal



Highlights of CBC CCWIS Goals

Supplementary Systems

The primary utilization of supplementary systems are to support:

- Streamlined documentation and notes
- Mobility functionality for efficiencies from the field
- Data accessibility and transparency

Current Pain Points

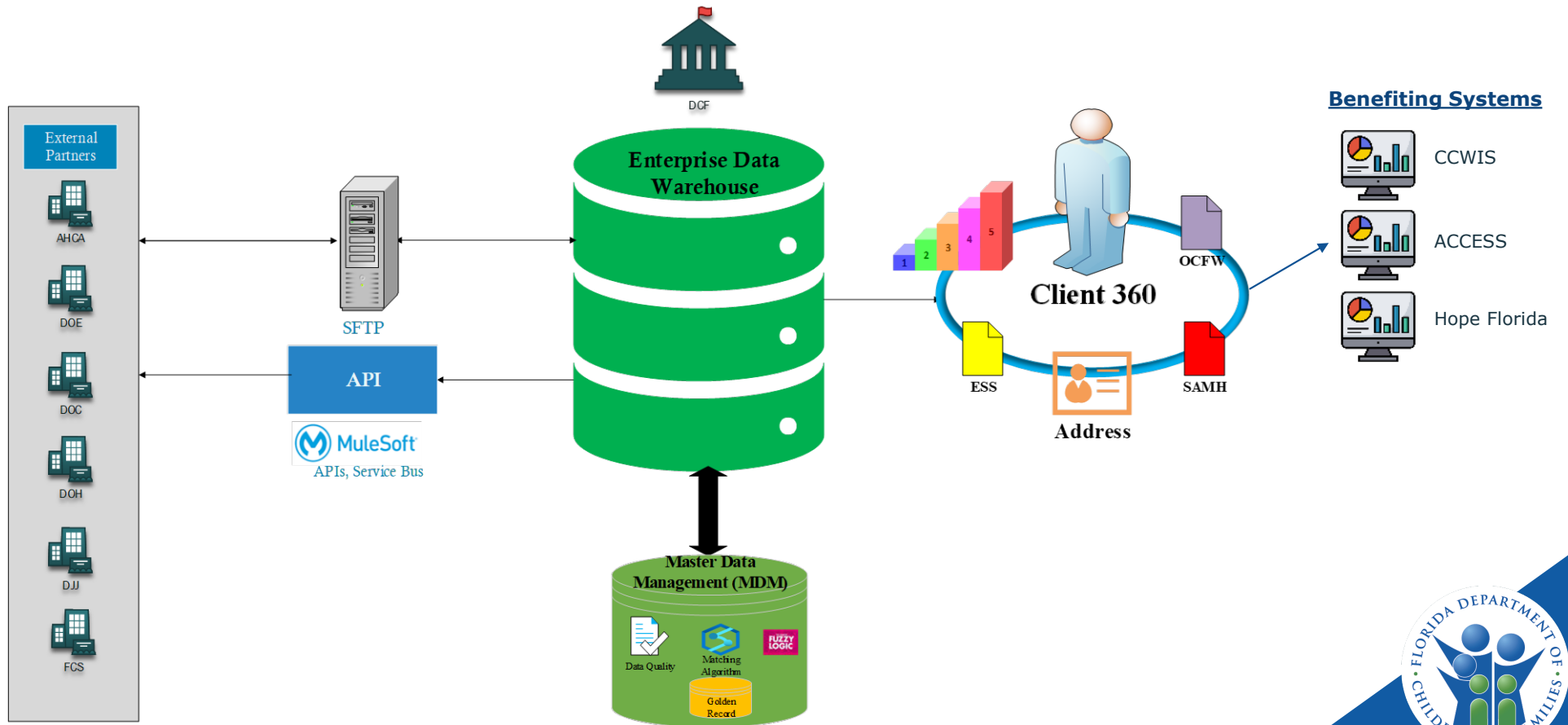
- System is not user friendly to navigate, multiple "clicks" to progress
- Lack of data transparency and accessibility
- Duplicative documentation in multiple locations
- Inability to get an entire view of all information related to a family being served

Desired Improvements Overall

- Streamline data entry/recording
- System that is intuitive and makes items easier to find
- Organized case files that makes saving data easier with filing cabinet options
- Improved data integration that allows us to more holistically serve families
- Improved system reliability, less system down time



Interoperability with State Agencies



What's Happening Now and What's Next?

Case Management:

- DCF/CBC Workgroups
 - Kick-off & workgroup meetings have taken place and are on-going
- Requirements Validation Sessions
 - Case Management Requirements
- Duration: Next 2.5 Months

Development Cycle:

- DCF/CBC workgroup will work with SI vendor to develop and configure Case Management module
 - Development to start in April
- Placement and Licensure modules are targeted next to be developed and configured
- Continued deployment of mobile functionality to the workforce



Analytics & Reporting:

- Hotline analytics that provide data on:
 - New intakes created, reporting method
 - Average processing duration
 - Pending intakes from Reporter Portal
- Enhanced investigations/case management analytics through Optify
 - Drill down capability by region, supervisor, worker
 - Worker-level performance-based analytics to enhance continuous improvement capabilities
- Proactive trend data for staff supports.
- Multi-use tool depending on user role
 - Frontline Staff: Workload management
 - Management: Trend analysis, documentation compliance, informed decision-making
- Updated Key Metrics reports



*Dashboard is a mockup, does not reflect real data.

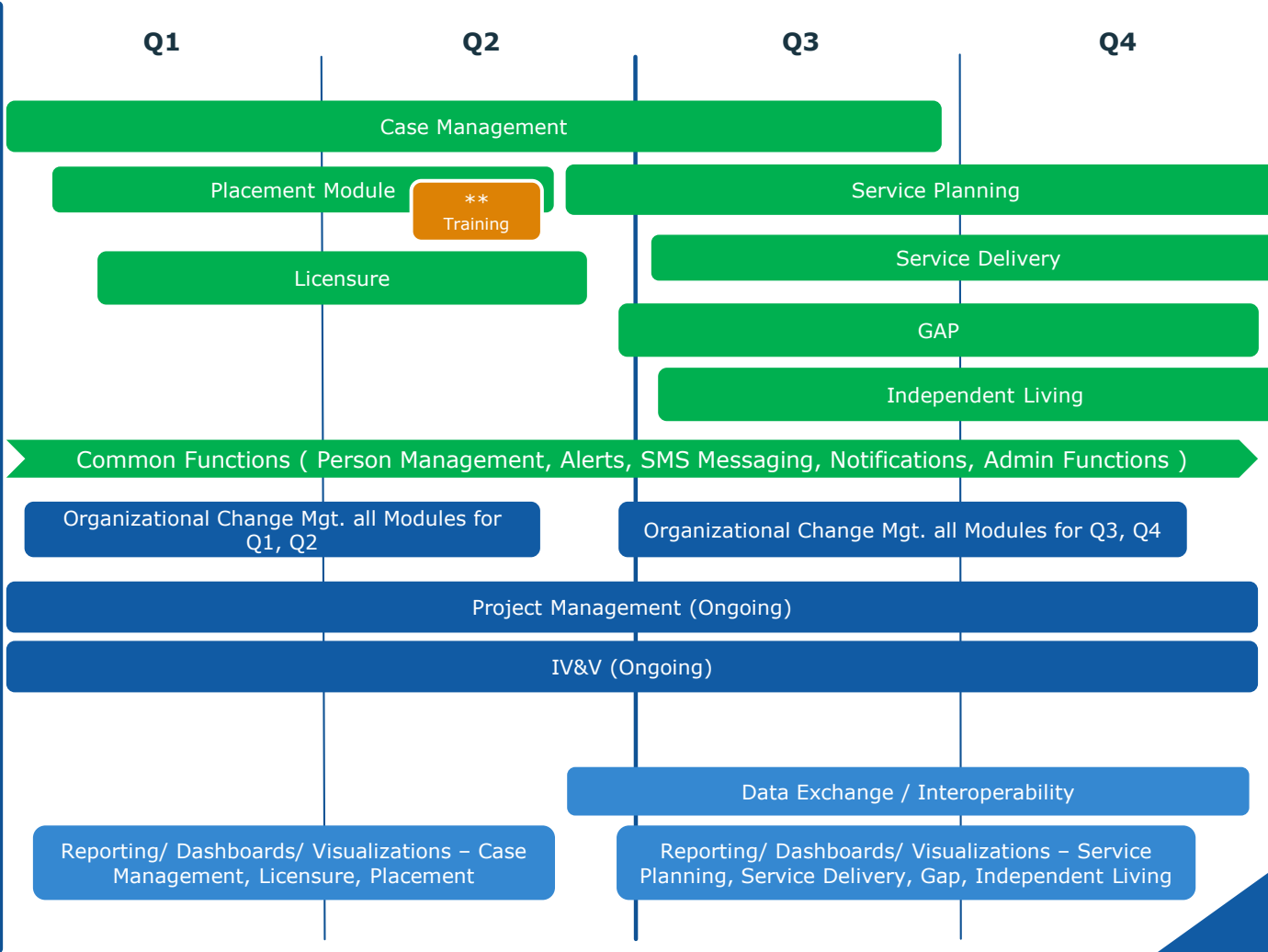


Strategic Project Categories

CCWIS Application

OCM, PMO, IV&V

Analytics Interoperability



Eligibility, Financials, Legal

Training

OCM, Implementation for field staff



Modernization Goals:

- Interoperability
- Ease of data collection
- Data transparency & accessibility
- Operational efficiencies through technology
- Holistic view of the child/family
- A child welfare system that is adaptable to best meet the needs of the children & families we serve



2/6/24

Meeting Date

CFE

Committee

The Florida Senate APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

CCWIS Presentation

Bill Number or Topic

Amendment Barcode (if applicable)

Name Cole Sousa

Phone 850-488-9410

Address 2415 N. Monroe St

Email Sam.Kerce@myFLFamilies.com

Street

Tallahassee FL 32301

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

2/6/24

Meeting Date

CFE

Committee

The Florida Senate APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

CLWIS Presentation

Bill Number or Topic

Amendment Barcode (if applicable)

Name Kathryn Williams

Phone 850-488-9410

Address 2415 W. Monroe St
Street

Email chad.corcoran@myFLFamilies.com

Tallahassee FL 32301
City State Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)