

## USDA Proposal Would Tie Florida's Hands at the Worst of Times

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*A USDA proposal would make it difficult for Florida to administer SNAP food assistance during economic downturns or in the wake of hurricanes. The plan ignores the challenges that SNAP recipients face in getting a job in today's labor market that enables them to work 80 hours/month, and it puts the onus on local communities and charities to fill in the hunger gap.*

### Introduction

The United States Department of Agriculture (USDA) has proposed a rule that would limit states' flexibility in waiving time limits for unemployed and underemployed Supplemental Nutrition Assistance Program (SNAP) recipients in places where there are not enough jobs. Most adults not living with children who are able-bodied can only receive SNAP benefits for three months every three years.<sup>1</sup> These SNAP recipients are called "ABAWDs," which is short for "able-bodied adults without dependents." The only way that these individuals can receive food assistance for more than three months in a 36-month period is to take part in Workfare (public service work without pay), or work or participate in a qualifying education [and](#) training program for at least 80 hours per month.

Under USDA's proposed rule, Florida would lose the ability to conform time limits to the availability of jobs. Despite Florida's low *overall* unemployment rate, ABAWDs receiving SNAP in the Sunshine State face unique barriers to finding work in today's labor market, especially in the aftermath of a hurricane. If the proposal is finalized, those ABAWDs who are unable to find jobs will be cut from SNAP and lose their only means to buy groceries. This is a lose-lose proposition not only for struggling families, but also for charities, local communities and the state as a whole, all of whom will be tasked with trying to fill the food assistance gap.<sup>2</sup>

#### WHO ARE ABAWDs?

ABAWD stands for "able-bodied adult without dependents." They are persons:

- Without health problems;
- Between the ages of 18 and 49;
- Not living with children under 18 years old;
- Not pregnant; and
- Not otherwise exempt.

### SNAP Benefits Keep Food on the Table for Struggling Floridians

SNAP benefits are an integral part of the safety net (see Table 1). In Florida, 14 percent of residents have income below the poverty level.<sup>3</sup> According to a recent United Way report, 45 percent of working households in the Sunshine State are unable to pay bills or afford basic necessities.<sup>4</sup> About 31,030 persons are homeless in Florida at any given time.<sup>5</sup>

Without SNAP, struggling Floridians would go hungry. The gross countable income of SNAP recipients in the state is 30 percent below the poverty level.

Under 10 percent of SNAP households are ABAWDs.<sup>6</sup> But for these ABAWDs, the situation is particularly dire: Their average income is only about 33 percent of the poverty level.<sup>7</sup>

## Time Limits and Work Requirements for Adults Without Dependents

Federal law allows states to temporarily waive the three-month SNAP time limit in geographical areas without sufficient jobs or in regions where unemployment is more than 10 percent, in order to prevent hardship on ABAWDs when jobs are scarce.<sup>8</sup> Due to the economic downturn during the Great Recession and the resultant loss of jobs, Florida obtained statewide time limit waivers for ABAWDs from 2009 to 2015.<sup>9</sup> However, in 2015, Florida enacted a law prohibiting the Department of Children and Families (DCF) from asking for ABAWD time limit waivers without legislative permission.<sup>10</sup> The following year, DCF began to impose time limits state-wide.







In addition to having three-month time limits, ABAWDs in Florida are required to participate in the SNAP Employment and Training Program (E&T).<sup>11</sup> As mandatory E&T participants, they are subject to additional requirements, separate and apart from time limits, which put their benefits in immediate jeopardy of being cut off as a sanction if they are not working or in a work program, even if they have not used up their three months of benefits.<sup>12</sup>

In 2016, more than 364,000 low-income Floridians lost their SNAP benefits due to ABAWD sanctions alone.<sup>13</sup> Sadly, USDA's proposal would only make it harder for the Sunshine State to obtain waivers and, consequently, harder on struggling Floridians, who would continue losing their only means to put food on the table.

## Proposed Rule Not Tied to Unique Demographics and Unemployment Rates of ABAWDs

Under USDA's proposed rule, the ability of Florida and other states to get waivers for time limits would be tied to the unemployment rate of the general population. Due to demographic differences, the unemployment rate for this group of Floridians is different from the unemployment rate of others in the state. First, this group has a unique racial and ethnic composition (see Figure 1) These ABAWDs also differ in terms of their educational attainment— 28 percent have less than a high school education.<sup>14</sup> Only about 12 percent of Floridians overall lack a high school diploma.<sup>15</sup>

TABLE 1. SELECT CHARACTERISTICS OF SNAP RECIPIENTS IN FLORIDA

	17% have no income
	33% have income at or below poverty level
	38% have children
	Nearly 31% are elderly
	120,000 are veterans*
	1 in 5 households with non-elderly recipients have disabilities**

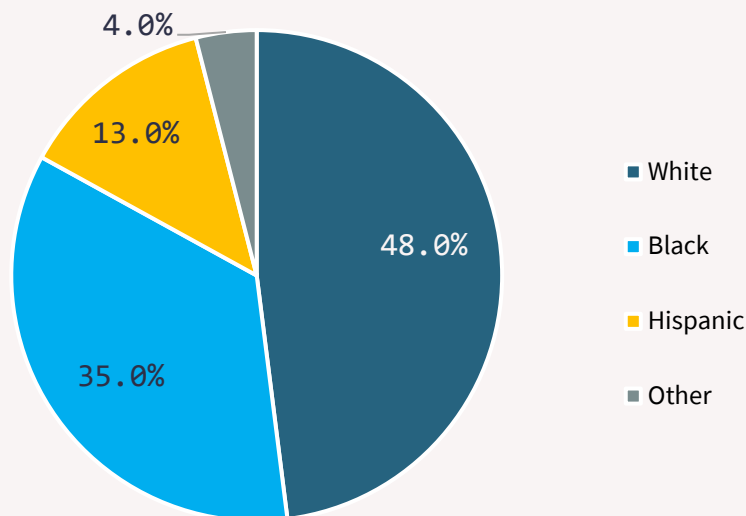
\* <https://www.cbpp.org/sites/default/files/atoms/files/11-9-17fa.pdf>. Note that as many as 9 percent of veterans are homeless.

\*\* <https://fns-prod.azureedge.net/sites/default/files/resource-files/Characteristics2017.pdf>

Using general unemployment rates as an indicator of the employability of these SNAP recipients is flawed. The unemployment rates for African Americans and Hispanics in Florida are higher than that of their white counterparts.<sup>16</sup> It's important to note that people of color face substantial barriers, like discriminatory hiring practices, which puts them on an uneven playing field for finding jobs.<sup>17</sup> The unemployment rate for women,<sup>18</sup> who make up just under half of ABAWDS,<sup>19</sup> is higher than the rate for men.

Persons with less education also fare worse in the job market in Florida. For example, the unemployment rate of persons without a high school diploma is 4.3 percent, compared to 3.1 percent for those who graduated high school.<sup>20</sup> According to a recent survey, for the top 15 occupations by vacancy in Florida, more than 50 percent of jobs require at least a high school education and more than 35 percent require a certificate or license.<sup>21</sup>

FIGURE 1. ABAWDS, BY RACE & ETHNICITY



Data sources: United States Census Bureau, <https://www.census.gov/quickfacts/fl>; Center on Budget and Policy Priorities, <https://www.cbpp.org/sites/default/files/atoms/files/2-8-16fa.pdf>

Low-income people want to work; however, they are often unable to find full-time employment due to unpredictable schedules, a slack in labor markets, family obligations or medical problems.<sup>22</sup> Indeed, part-time employment is an unwelcome problem that burdens ABAWDS.<sup>23</sup> Of the top occupations by vacancy in Florida, 32 percent are for part-time employees.<sup>24</sup> The working poor are the ones who are more often forced into part-time jobs. Although almost 80 percent of SNAP families had at least one working member in the past 12 months,<sup>25</sup> ABAWDS are likely to have jobs that do not provide full-time work.<sup>26</sup> Making matters worse, E&T participants with a high school diploma or less work jobs that provide fewer hours and lower pay.<sup>27</sup>

### Health Problems, Along with Transportation Barriers and Other Non-Medical Challenges, Make It Difficult for ABAWDS to Work or Find Jobs

## Health conditions

SNAP recipients in Florida who are unable to work should not, by law, be subject to ABAWD time limits. Still, many find that their health conditions, such as undiagnosed mental conditions, are not recognized or are an impediment to employment. An analysis of these SNAP recipients in the Sunshine State suggests that health issues result in the sanctioning of ABAWDs, despite their inability to work.<sup>28</sup> Furthermore, persons with disabilities in Florida experience unemployment rates that are almost triple that of those without disabilities.<sup>29</sup> USDA, however, avoids addressing the disparate impact of its proposal on persons with disabling health conditions.

## Transportation barriers and other challenges

In 2016, after time limits were re-imposed across the state, many ABAWDs lost their SNAP benefits because significant, non-medical obstacles prevented them from complying with the requirements.<sup>30</sup> Although the most common barrier reported by ABAWDs in Florida was lack of transportation, studies suggest that this group is also hindered by homelessness and education levels that make it difficult to qualify for jobs. Additionally, people who have been incarcerated often face numerous roadblocks to gaining employment. Worse yet, ABAWDs in Florida who have one barrier to work are also likely to have others.<sup>31</sup>

## Florida Better Positioned than USDA to Understand Unique Challenges Facing the State

USDA's proposed rule is particularly troublesome for Florida. The state will likely face not only economic slowdowns from recessions, but also from hurricanes,<sup>32</sup> which have significant regional impacts.<sup>33</sup> For example, since Hurricane Michael, the unemployment rates in hurricane-ravaged counties have increased (see Table 2).

After a disaster of the magnitude of Hurricanes Irma or Michael hits Florida, state and local officials are on the ground responding to the crisis before, during and long after federal authorities have gone home. State and local officials are the ones who can best determine what areas of the state have unemployment rates that warrant time limit waivers.

There are currently eight areas in Florida that would qualify for a time limit waiver upon request: Citrus, St. Lucie, Hardee, Hendry, Highlands and Sumter Counties and Ft Pierce and Miami Gardens.<sup>34</sup> Coincidentally, this list includes the five counties with the highest unemployment rates in Florida (Hendry, Hardee, Citrus, Sumter and Highlands).<sup>35</sup> On top of that, Floridians in

### FLORIDA REFUSES TO GUARANTEE WORK FOR ABAWDs AT RISK OF LOSING SNAP

USDA offers 100% federal funding from a \$20 million pot to help states provide ABAWDs with work or training that qualifies them to keep getting SNAP benefits after three months. States that pledge to provide such work or training are eligible for a share of that money to help them provide qualifying placements. Florida has *declined* to make such a pledge and, instead, refuses to guarantee that ABAWDs who want to work or get training will have the opportunity to do so.

Table 2. Unemployment Rate in Select Counties

	February 2018	February 2019
Bay County	4.1%	5%
Franklin County	3.5%	4.4%
Gulf County	4.1%	6.2%

Data Source: <http://www.floridajobs.org/workforce-statistics/data-center/statistical-programs/local-area-unemployment-statistics>

Citrus, St. Lucie and Highlands Counties have higher-than-average rates of food insecurity, or consistent lack of access to enough food.<sup>36</sup>

Although the Florida Legislature has not empowered DCF to request time limits waivers, DCF has not yet asked lawmakers for permission. Given the possibility of a coming recession, more disasters and the continued impact of Hurricane Michael on affected counties, it is entirely possible that Florida will re-consider the need for ABAWD waivers in the future to foster economic recovery and alleviate harm on vulnerable Floridians who cannot find jobs. USDA's proposal to limit the state's flexibility to get those waivers will only make it more difficult for the Sunshine State and its residents to recover.

## Conclusion

Florida's overall unemployment rate camouflages the unemployment rate of many ABAWDS. Even if an ABAWD is able to find a job, chances are good that the job will be unstable, part-time, or have no guaranteed number of work hours. Given their demographics and unique circumstances, ABAWDS may face an uphill battle to getting and keeping a job in today's work force. Limiting the flexibility of Florida and other states to waive SNAP time limits only exacerbates the struggle of ABAWDS to keep food on the table. This, in turn, puts the burden on state, local communities, and charities to take up the slack, even though they are not equipped to do so. State officials in Florida are best positioned to assess unemployment in economically hard-hit and disaster-ridden counties. And the ability of the Sunshine State to waive time limits in the SNAP program is an important guardrail to keep vulnerable Floridians on course while they get back on their feet.

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<sup>1</sup> 7 C.F.R. § 273.24(b)

<sup>2</sup> The USDA Food and Nutrition Service (FNS) estimates that, in FY 2015 alone, SNAP provided about \$5.69 billion dollars in food benefits to Floridians. These benefits were 100 percent federally-funded. Neither the state, local communities nor charities are equipped to pick up the slack when Floridians lose food assistance. Nor is the economy equipped to absorb the decreased spending in local neighborhoods when families lose SNAP. As FNS observes, "SNAP... has an economic multiplier effect; every dollar in new SNAP benefits results in \$1.80 in total economic activity." Food and Nutrition Service. United States Department of Agriculture. *SNAP Community Characteristics – Florida*. Retrieved from <https://www.fns.usda.gov/ops/snap-community-characteristics-florida>.

<sup>3</sup> United States Census Bureau. *Quick Facts Florida*. Retrieved from <https://www.census.gov/quickfacts/fl>

<sup>4</sup> United Way. (2018). *ALICE: A Study of Financial Hardship in Florida*. Retrieved from <http://www.uwof.org/sites/uwof.org/files/2018%20FL%20ALICE%20REPORT%20AND%20CO%20PAGES.pdf>

<sup>5</sup> United States Interagency Council on Homelessness. (2018). *Florida Homelessness Statistics*. Retrieved from <https://www.usich.gov/homelessness-statistics/fl/>.

<sup>6</sup> United States Department of Agriculture. *Characteristics of Supplemental Nutrition Assistance Program Households: Fiscal Year 2017*. (2019, Feb.). Retrieved from <https://fns-prod.azureedge.net/sites/default/files/ops/Characteristics2017.pdf>

<sup>7</sup> United States Department of Agriculture. Food and Nutrition Service. *Characteristics of Able-bodied Adults without Dependents*. Retrieved from <https://fns-prod.azureedge.net/sites/default/files/snap/nondisabled-adults.pdf>.

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<sup>8</sup> 7 C.F.R. § 273.24(f)(1).

<sup>9</sup> Department of Economic Opportunity. *Supplemental Nutrition Assistance Program, Employment and Training State Plan*, Federal Fiscal Year 2016. (2016). Retrieved from [www.floridajobs.org/docs/default-source/office-of-workforce-services/floridasnap\\_et\\_stateplan\\_2016.pdf](http://www.floridajobs.org/docs/default-source/office-of-workforce-services/floridasnap_et_stateplan_2016.pdf)

<sup>10</sup> § 414.455, Fla. Stat.

<sup>11</sup> Florida's SNAP E&T program is administered by CareerSource, Inc. CareerSource is a nonprofit corporation created by the Florida Legislature and housed within the Department of Economic Opportunity. CareerSource is the "principal workforce policy organization" for the State of Florida. § 445.004 (1)(2), Fla. Stat. Among other things, CareerSource provides employment and workforce services for SNAP E&T participants and assigns time-limited ABAWDS to E&T activities.

<sup>12</sup> 7 C.F.R. § 273.7(a)(i) and (vii)

<sup>13</sup> The Florida Legislature. Office of Program Policy Analysis and Government Accountability. (2018, Jan. 8). *Mandatory Work Requirements for Recipients of the Food Assistance and Cash Assistance Programs*. Retrieved from [https://public.medicaid.gov/gf2.ti/af/328098/47225/PDF/-/OPPAGA\\_SNAP\\_TANF\\_FINAL\\_003.pdf](https://public.medicaid.gov/gf2.ti/af/328098/47225/PDF/-/OPPAGA_SNAP_TANF_FINAL_003.pdf)

<sup>14</sup> Carlson, S., Rosenbaum, D., and Keith Jennings, B. Center on Budget and Policy Priorities. (2016, Feb. 8). *Who Are the Low-Income Childless Adults Facing the Loss of SNAP in 2016?* Retrieved from <https://www.cbpp.org/sites/default/files/atoms/files/2-8-16fa.pdf>

<sup>15</sup> United States Census Bureau. *Quick Facts Florida*. Retrieved from <https://www.census.gov/quickfacts/fl>; The Statistics Portal. *Educational attainment distribution in Florida in 2017*. Retrieved from <https://www.statista.com/statistics/306971/educational-attainment-florida/>

<sup>16</sup> Bustamante, A. Florida International University. Center for Labor Research and Studies. (2018, Sept.) *State of Working Florida 2018*. <https://riseup.fiu.edu/state-of-working-florida/>

<sup>17</sup> Mitchell, Tazra. *Promising Policies Could Reduce Economic Hardship, Expand Opportunity for Struggling Workers*. Center on Budget and Policy Priorities, September 7, 2018. Retrieved from: <https://www.cbpp.org/research/poverty-and-inequality/promising-policies-could-reduce-economic-hardship-expand-opportunity>

<sup>18</sup> Florida Department of Economic Opportunity, Employment and Unemployment Data Release. *Questions and Answers*. (2019, May 17.). Retrieved from <http://lmsresources.labormarketinfo.com/library/press/q&a.docx>

<sup>19</sup> United States Department of Agriculture. Food and Nutrition Service. *Characteristics of Able-bodied Adults without Dependents*. Retrieved from <https://fns-prod.azureedge.net/sites/default/files/snap/nondisabled-adults.pdf>.

<sup>20</sup> Florida Department of Economic Opportunity, Employment and Unemployment Data Release. *Questions and Answers*. (2019, May 17.). Retrieved from <http://lmsresources.labormarketinfo.com/library/press/q&a.docx>

<sup>21</sup> Florida Department of Economic Opportunity. CareerSource Florida. (2018). *Florida Skills Gap and Job Vacancy Data*. Retrieved from [http://lmsresources.labormarketinfo.com/skills\\_gap/index.html](http://lmsresources.labormarketinfo.com/skills_gap/index.html)

<sup>22</sup> Stevens, A. University of California at Davis. Center for Poverty Research. Econofact. *Employment and Poverty*. (2018, Jan 7). Retrieved from <https://econofact.org/employment-and-poverty>

<sup>23</sup> In addition to unemployment, underemployment is also problematic. In Florida, the underemployment rate is 9.1 percent United Health Foundation. *America's Health Rankings*. (2019). *Underemployment Rate in Florida*. Retrieved from <https://www.americashealthrankings.org/explore/annual/measure/Underemployed/state/FL>. United Health Foundation defines "underemployment" as "total unemployed and employed part-time for economic reasons plus all marginally attached workers, as a percentage of the civilian workforce plus all marginally attached workers..." *Id.* Forbes explains "underemployment" as "someone who is involuntarily working part-time or is overqualified for their current position." Lutz, J. Forbes. (2017, Jul. 21). *The Underemployment Phenomenon No One Is Talking About*. Retrieved from <https://www.forbes.com/sites/payout/2017/07/21/the-underemployment-phenomenon-no-one-is-talking-about/#522425185a01>.

<sup>24</sup> See Note 20 at "Top Occupations, Vacancy Status, and Length of Vacancy."

<sup>25</sup> Food Research and Action Center. (2018, Feb.). *FLORIDA FACTS: Supplemental Nutrition Assistance Program (SNAP)*. Retrieved from <http://www.frac.org/wp-content/uploads/snap-facts-fl.pdf>

<sup>26</sup> Supra at 22

<sup>27</sup> Supra at 22

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- <sup>28</sup> The Florida Legislature. Office of Program Policy Analysis and Government Accountability (OPPAGA). (2018, Jan. 8). *Mandatory Work Requirements for Recipients of the Food Assistance and Cash Assistance Programs*. Retrieved from [https://public.medicaid.gov/gf2.ti/af/328098/47225/PDF/-/OPPAGA\\_SNAP\\_TANF\\_FINAL\\_003.pdf](https://public.medicaid.gov/gf2.ti/af/328098/47225/PDF/-/OPPAGA_SNAP_TANF_FINAL_003.pdf). According to the OPPAGA report, “75% to 80% of food assistance ABAWDs are sanctioned for failure to complete work registration” alone. In addition to those sanctions, 58 percent of the remaining ABAWDs who do successfully complete work registration are subsequently sanctioned for noncompliance with work requirements, even though many report barriers that hinder participation. *Id.*
- <sup>29</sup> Parrish, J. Florida Chamber Foundation. *Quantifying the Unemployment Rate for Workers with Disabilities in Florida*. Retrieved from <http://www.flchamber.com/wp-content/uploads/2016/06/Quantifying-the-Unemployment-Rate-for-Workers-with-Disabilities-in-Florida.pdf>; United States Department of Labor. Bureau of Labor Statistics. (2019, Feb. 26). *Persons with A Disability: Labor Force Characteristics — 2018*. Retrieved from <https://www.bls.gov/news.release/pdf/disabl.pdf>
- <sup>30</sup> The Florida Legislature. Office of Program Policy Analysis and Government Accountability. (2018, Jan. 8). *Mandatory Work Requirements for Recipients of the Food Assistance and Cash Assistance Programs*. Retrieved from [https://public.medicaid.gov/gf2.ti/af/328098/47225/PDF/-/OPPAGA\\_SNAP\\_TANF\\_FINAL\\_003.pdf](https://public.medicaid.gov/gf2.ti/af/328098/47225/PDF/-/OPPAGA_SNAP_TANF_FINAL_003.pdf)
- <sup>31</sup> *Id.*
- <sup>32</sup> Chandra, S. Bloomberg. (2018, Oct. 10). *Hurricane Michael Will Muddle U.S. Economic Data for Months*. Retrieved from <https://www.bloomberg.com/news/articles/2018-10-10/hurricane-hitting-florida-to-cloud-u-s-economic-data-for-months>
- <sup>33</sup> The Florida Legislature enacted law in 2015 at section 414.455 of the Florida Statutes making legislative authorization a prerequisite to DCF asking for waivers of ABAWD work requirements. It is important that the Legislature, which will allow DCF to request waivers when the Legislature deems it necessary, not have its hands tied in the future when it decides that the time is right to request a waiver.
- <sup>34</sup> United States Department of Labor. (2018, Sept. 18). *FY 2019 Labor Surplus List*. Retrieved from [https://www.doleta.gov/lsa/docs/2018-2019\\_LSA\\_List.xlsx](https://www.doleta.gov/lsa/docs/2018-2019_LSA_List.xlsx)
- <sup>35</sup> Florida Trend. (2018, Dec. 27). *2019 Economic Outlook - The Year Ahead*. Retrieved from <https://www.floridatrend.com/article/26057/2019-economic-outlook--the-year-ahead>; The Florida Legislature. Office of Economic and Demographic Research. (2019, Jan. 8). *Florida: An Economic Overview Focusing on County Differences*. Retrieved from <http://edr.state.fl.us/Content/presentations/economic/EconomicOverviewFocusingonCounty%20Differences.pdf>
- <sup>36</sup> Feeding America. (2018). *Map the Meal Gap 2018*: Retrieved from [https://www.feedingamerica.org/sites/default/files/research/map-the-meal-gap/2016/overall/FL\\_AllCounties\\_CDs\\_MMG\\_2016.pdf](https://www.feedingamerica.org/sites/default/files/research/map-the-meal-gap/2016/overall/FL_AllCounties_CDs_MMG_2016.pdf)