

Food Security Upon Reentry Act: HB 6079 (Rep. Aloupis, R-Miami)/ SB 762 (Sen. Rodriguez, R-Doral)

Lifting Florida's Lifetime Ban on Receipt of SNAP and TANF by People with Past Felony Drug Convictions

The Problem

People who are reentering their communities after being incarcerated face enormous barriers to fiscal stability. Yet despite an overwhelming need for basic support to assist with rehabilitation, Floridians who have been convicted of drug trafficking are prohibited by state law from ever participating in the Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance for Needy Families (TANF). This short-sighted lifetime ban impacts their ability to meet critical needs, such as food and housing, and increases their likelihood to re-offend and return to prison. Further, it disproportionately affects Black and brown people, and ends up costing the state millions.

Overview of SNAP and TANF

Both SNAP and TANF are modest but critical safety net programs that help people with low income meet basic needs. SNAP help households buy food, while TANF provides families financial assistance to families who care for children. In Florida, the average monthly SNAP benefit per person is \$127,¹ while TANF averages \$237 per month² for the entire family. The federal government pays 100 percent of the cost of the SNAP benefits that Florida provides to eligible households. For TANF, the state receives a fixed block grant from the federal government, although the state must also contribute some of its own funds to the program.³

Background on the lifetime ban on receipt of SNAP and TANF:

Florida bans people who are convicted of certain drug trafficking from ever getting SNAP or TANF if the offense occurred after August 22, 1996, even after they have served their time.⁴ This is because a 1996 federal law passed in 1996 — part of the so-called “war on drugs” — requires states to impose a lifetime ban on SNAP and TANF for people with a previous drug felony conviction unless the state opts out. Florida has opted out of this ban, except for some drug trafficking offenses.

Reasons why Florida should completely opt out of the ban

- **Making food⁵ and cash assistance⁶ available to eligible Floridians who have completed their sentences helps them get back on their feet.** When people reenter their communities after being incarcerated, many have little access to resources they need for housing, food, and other necessities. At the same time, their criminal records create major barriers to employment, or exclude them from the workforce altogether. For example, these individuals are subject to arbitrary requirements, such as “moral character,” when pursuing professional licensing and they are five times more likely to be unemployed than others,⁷ all of which puts at risk their economic well-being and rehabilitation.
- **The lifetime ban likely contributes to high re-arrest rates, and costs Florida millions of dollars.** Ensuring that people who are reentering their communities have access to basic supports makes for long-term success. An analysis of Florida's drug trafficking ban in the SNAP program finds that people subject to the ban on receiving SNAP are 9.5 percentage points more likely to be reincarcerated than

people who can access assistance.⁸ This same study, which looks at, among other factors, the expense of future incarceration and costs to taxpayers, suggests that the ban has already cost Florida a minimum of \$70 million as of 2016.

- **Denying food and cash assistance under Florida’s ban disproportionately affects people of color.** Florida’s lifetime SNAP and TANF ban for certain drug trafficking convictions particularly harms Black and Latino communities because of the well-documented history of uneven enforcement of drug laws in these neighborhoods. Consequently, Black and Latino Floridians have been disproportionately impacted by the ban. Black individuals comprise almost half (47 percent) of incarcerated individuals in Florida⁹ yet only 16 percent of the state’s population¹⁰.

How many Floridians are subject to the ban?

Over 19,000 people in Florida are subject to the lifetime ban.¹¹ In fiscal year (FY) 2018-19 alone, roughly 1,239 Floridians were charged with drug trafficking as a primary offense.¹² Also, nearly 30,000 inmates were released in FY 2019-20, 7,000 (23 percent) of whom were incarcerated for some sort of drug offense.¹³

Are other states opting out of the lifetime ban?

The trend among states is to modify or eliminate the ban.¹⁴ As of now, roughly 26 states have completely opted out of SNAP ban, while 22 have completely opted out of the TANF ban. Since 2015, at least 14 states have lifted or modified their bans for one or more programs, including: Alabama, Arizona, Arkansas, Georgia, Indiana, Louisiana, Mississippi, North Dakota, South Dakota, Texas, and West Virginia.

¹ Center on Budget and Policy Priorities, “Florida Food Assistance Program,” January 15, 2021, https://www.cbpp.org/sites/default/files/atoms/files/snap_factsheet_florida.pdf.

² Administration for Children and Families, “Characteristics and Financial Circumstances of TANF Recipients Fiscal Year (FY) 2019,” https://www.acf.hhs.gov/sites/default/files/documents/ofa/fy19_characteristics_final.pdf.

³ Ali Safawi and Liz Schott, “To Lessen Hardship, States Should Invest More TANF Dollars in Basic Assistance for Families,” Center on Budget and Policy Priorities, updated January 12, 2021, <https://www.cbpp.org/research/family-income-support/to-lesser-hardship-states-should-invest-more-tanf-dollars-in-basic>.

⁴ § 414.095(1), Fla. Stat. (2021)

⁵ Elizabeth Wolkimir, “How SNAP Can Better Serve the Formerly Incarcerated,” Center on Budget and Policy Priorities, updated March 16, 2018, <https://www.cbpp.org/research/food-assistance/how-snap-can-better-serve-the-formerly-incarcerated>.

⁶ Marc Mauer and Virginia McCalmont, “A Lifetime of Punishment: The Impact of the Felony Drug Ban on Welfare Benefits,” The Sentencing Project, November 14, 2013, <https://www.sentencingproject.org/publications/a-lifetime-of-punishment-the-impact-of-the-felony-drug-ban-on-welfare-benefits/>.

⁷ Florida Department of Corrections, “Strategic Plan and Annual Report (2020-2021),” <http://www.dc.state.fl.us/pub/annual/1819/2020-2021-Strategic-Plan.pdf>.

⁸ Cody Tuttle, “Snapping Back: Food Stamp Bans and Criminal Recidivism,” June 12, 2018, <https://ssrn.com/abstract=2845435>.

⁹ Strategic Plan and Annual Report (2020-2021)

¹⁰ U.S. Census Bureau, 2019 American Community Survey 1-Year Estimates

¹¹ Tuttle

¹² Florida Department of Corrections, “Florida’s Criminal Punishment Code: A Comparative Assessment,” October 2019, <http://www.dc.state.fl.us/pub/scoresheet/Criminal%20Punishment%20Code%202019.pdf>.

¹³ Florida Department of Corrections, “Strategic Plan and Annual Report”

¹⁴ 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,” updated August 2021, <https://www.clasp.org/publications/report/brief/no-more-double-punishments>.