

PUBLIC POLICY STRATEGIES FOR ECONOMIC JUSTICE

PREPARE 2015



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1331 EAST LAFAYETTE STREET, SUITE A
TALLAHASSEE, FLORIDA 32301
850-309-1488

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THE CIVIL CITATION FOR JUVENILE MISDEMEANOR OFFENDERS

The statewide Civil Citation process is designed to provide an alternative to formal judicial handling of juveniles who commit a first misdemeanor offense. The purpose of Civil Citation is two-fold: it aims to prevent further delinquency while ensuring that the youth's offense is appropriately addressed without creating a criminal record.

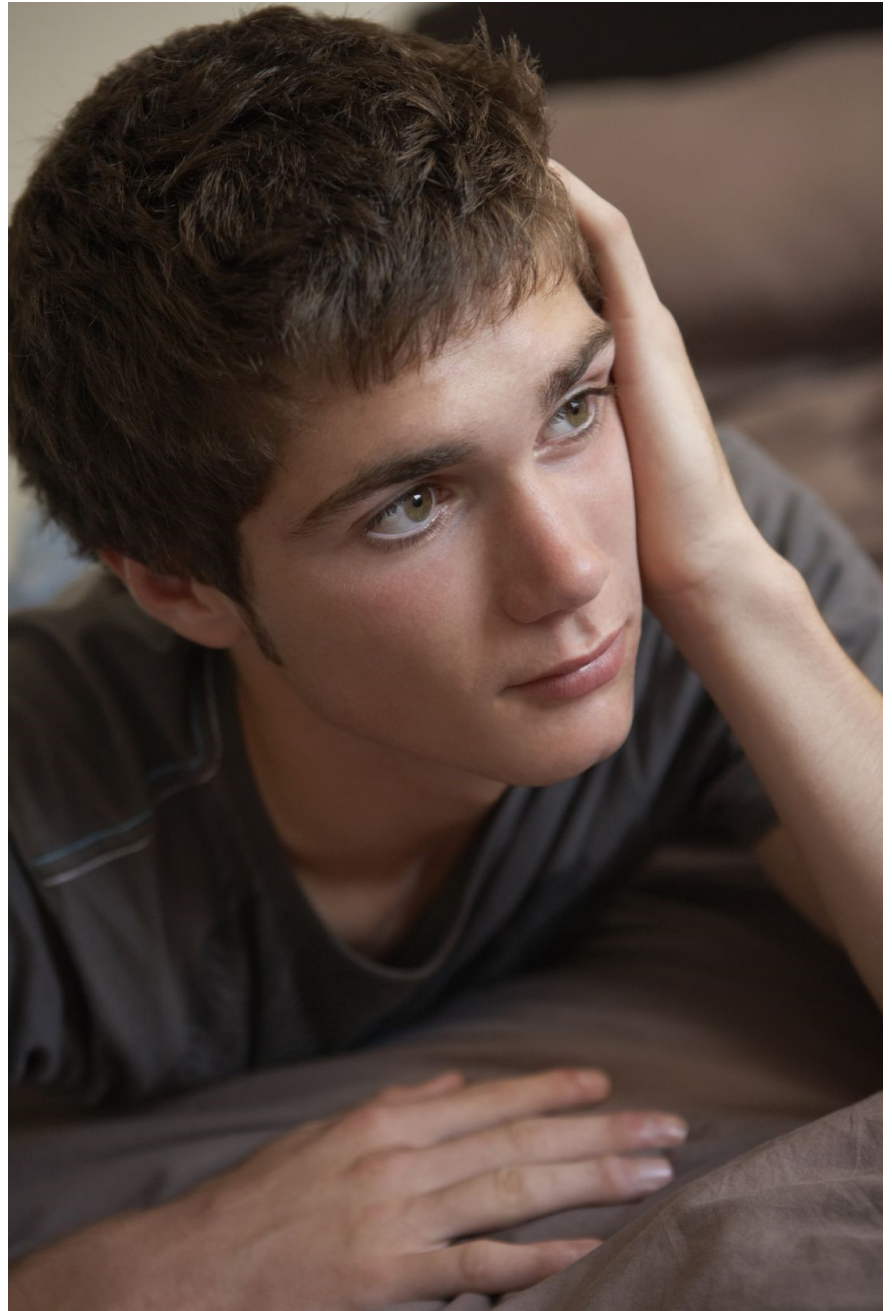
Civil Citations provide a cost savings and more efficient use of resources by keeping juvenile first offenders that pose no real threat to public safety out of the juvenile justice system.

Civil Citations identify and assess the behavioral needs of youth after their first misdemeanor encounter with law enforcement, thereby helping them to change the conduct that leads to delinquency and enhancing public safety. Youth are required to participate in intervention services based on that needs assessment. This may include performing community service, providing restitution, participating in school progress monitoring or prevocational services, and writing letters of apology to the victim(s).

Processing youth through the criminal justice system costs \$5,000 per youth, whereas a Civil Citation costs \$386. Civil Citations further avoid significant costs to the state and local governments by decreasing the likelihood that youth will reoffend.

Civil Citations for juvenile first offenders of misdemeanors allow law enforcement to remain on the streets for more serious or violent crimes while reducing the workload at all levels on the juvenile justice system.

According to the Florida Department of Juvenile Justice, statewide 42 percent of program participants





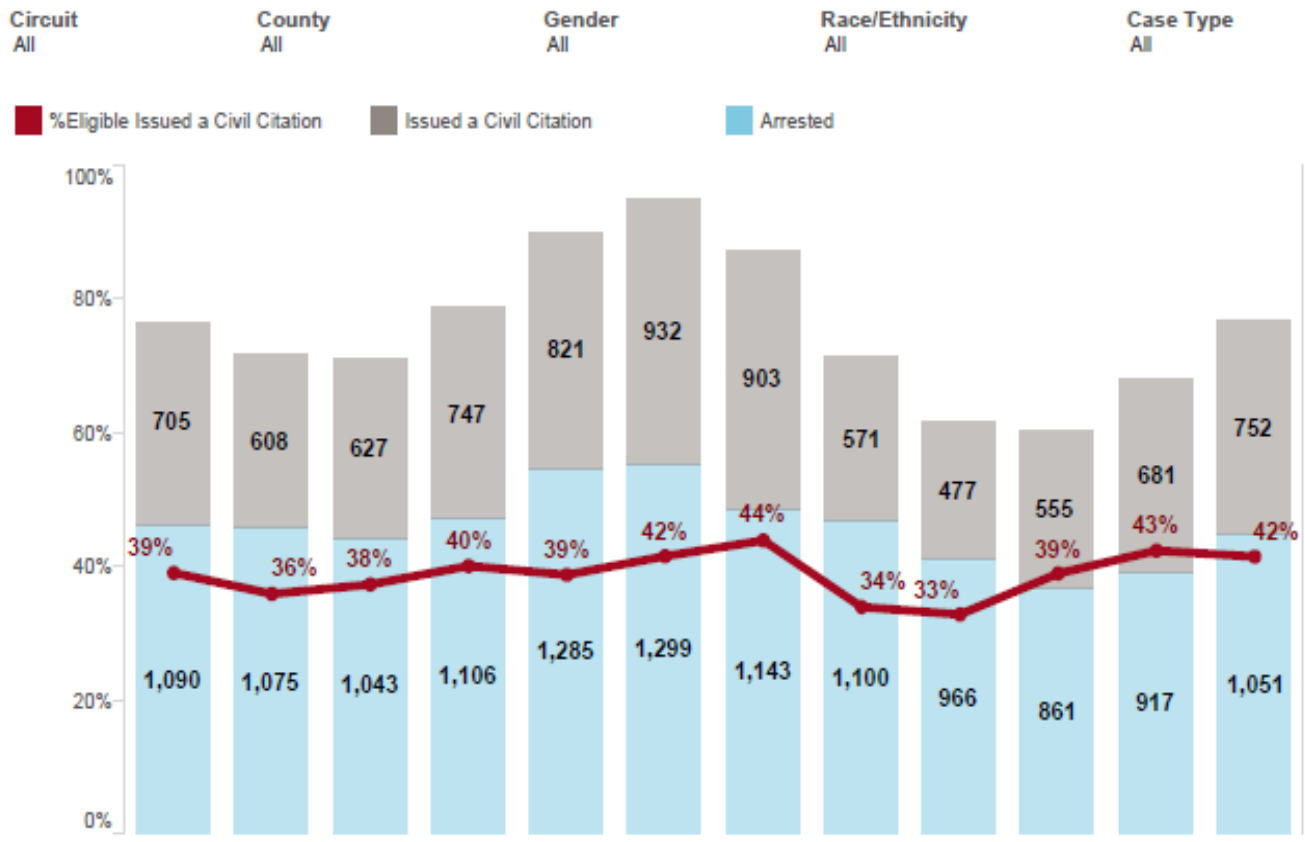
are female and 59 percent are minorities. In some urban centers minority rates are as high as 73 percent in Orange County and 94 percent in Miami-Dade County. Providing swift and appropriate sanctions and services has the potential to keep them from entering the juvenile justice system which already has disproportionate representation of these populations.

Civil Citations address the zero-tolerance policies in schools by providing more appropriate and productive alternative responses, rather than suspension or arrest.

Lastly, Civil Citations allow juveniles the opportunity to redress the offence without limiting future growth and success. It allows youth to avoid a criminal record that can hinder eligibility for employment, scholarships, and other opportunities that can be life changing.

Currently, Florida statute allows for the law enforcement officer's discretion in issuing a Civil Citation to eligible youth. This generates an inconsistent application of this option across the state; and in some areas, eligible youth are not offered the option at all. This results in less than half of eligible youth receiving Civil Citations over a twelve-month period. According to the Florida Department of Juvenile Justice, only 39 percent of eligible youth were issued a Civil Citation, and nearly 13,000 eligible youth were arrested between November 2013 and October 2014.

CIVIL CITATION BY MONTH NOVEMBER 2013 - OCTOBER 2014



	Nov 2013	Dec 2013	Jan 2014	Feb 2014	Mar 2014	Apr 2014	May 2014	Jun 2014	Jul 2014	Aug 2014	Sep 2014	Oct 2014	Total
Eligible Youth	1,795	1,683	1,670	1,853	2,106	2,231	2,046	1,671	1,443	1,416	1,598	1,803	21,315
Arrested	1,090	1,075	1,043	1,106	1,285	1,299	1,143	1,100	966	861	917	1,051	12,936
Issued a Civil Citation	705	608	627	747	821	932	903	571	477	555	681	752	8,379
% Eligible Issued a Civil Citation	39%	36%	38%	40%	39%	42%	44%	34%	33%	39%	43%	42%	39%

Senate Bill 378 sponsored by Senators René García (R-Hialeah) and Audrey Gibson (D-Jacksonville), along with companion House Bill 99, by Representatives Gwendolyn Clarke-Reed (D – Deerfield Beach) and Darryl Ervin Rouson (D-St. Petersburg)--require that all first-time juvenile misdemeanor offenders be issued a civil citation and allows subsequent misdemeanors to be considered for a civil citation.

Increasing the issuance of civil citations over juvenile arrests decreases costs to the state and decreases recidivism. Recidivism for those given a civil citation is four percent compared with 13 percent for those arrested for a first time misdemeanor; and closer to 41 percent for those sent to detention centers.

Opposition to SB 378 and HB 99 cites concerns with removing discretion from law enforcement. These bills still allow for discretion to arrest as long as the law enforcement officer documents why the arrest was necessary for public safety. Alternatively, the change takes away the guess work for officers when deciding whether or not to issue a civil citation.

Civil citations are a more affordable method of handling youth misdemeanor offenses and result in lower recidivism rates than arrests. Senate Bill 378 and House Bill 99 propose to balance the scales across the state giving youth uniform access to civil citations in all counties.

SB 378: JUVENILE JUSTICE

Sponsor: Sen. René García (R-Hialeah) and Sen. Audrey Gibson (D-Jacksonville)

Companion Bill: HB 99 by Rep. Gwendolyn Clarke-Reed (D-Deerfield Beach) and Rep. Darryl Ervin Rouson (D-St. Petersburg)

Authorizes a law enforcement officer to issue a warning to a juvenile who admits having committed a misdemeanor or to inform the child's parent or guardian of the child's infraction; allowing a law enforcement officer who does not exercise one of these options to issue a civil citation or require participation in a similar diversion program; requiring a law enforcement officer to provide written documentation in certain circumstances.

Sources: Department of Juvenile Justice—Florida Statewide Civil Citation Guide and Civil Citation Dashboard

MAKING HEALTHCARE AVAILABLE TO LEGAL IMMIGRANT CHILDREN IN FLORIDA

In recent years, Florida has shown an ambivalent track record of providing health insurance to our children. Although it continues to lead the nation in reducing the number and rate of uninsured children 18 and under, Florida remains a state with one of the highest numbers and rates of children without health coverage.

According to a 2014 study by the Georgetown University Center for Children and Families, the number of Florida's uninsured children fell by more than 30,077 to 445,035 between 2011 and 2013 — an overall drop from 11.9 percent to 11.1 percent. And yet, that rate is still higher than the national average of 7.1 percent, putting Florida among the top six states with the highest rates of uninsured children. Additionally, Florida has the fifth highest total number of children without health coverage in the country.



This most recent decrease in the number of uninsured children reflects even greater reductions than those in recent years since 2008, revealing a promising trend attributable to the success of Florida KidCare--the state's subsidized health insurance program for children funded through Medicaid or the federal Children's Health Insurance Program (CHIP).

Despite this progress, health coverage remains solidly out of reach for one distinct group: Florida's approximately 20,000 immigrant children who are lawfully residing in our state but are ineligible for KidCare.

Under Florida law, children who are born outside the United States but live here legally must wait five years to qualify for Florida KidCare.

In 2009, the Children's Health Insurance Program Reauthorization Act (CHIPRA) gave states the option of extending eligibility for Medicaid and CHIP to all lawfully residing immigrant children without requiring the five-year waiting period that applies to most public assistance programs for immigrants.

Today, 29 states have set a precedent by changing their laws to allow legal immigrant children to enroll in Medicaid or CHIP without having to endure a waiting period. Florida is not among them. Legal immigrant children still are required to have been living in the country for five years in order to be eligible for Florida KidCare. As a result, these children, who are denied access to the high-quality,

affordable health coverage available through KidCare, are at considerable risk.

Low-income immigrant children who lack insurance are less likely to receive preventive health care and more likely to visit hospital emergency rooms as their primary source of care. These kids are ten times more likely to have unmet medical needs, five times more likely to go two or more years without seeing a doctor, and 25 percent more likely to be absent from school. Extending coverage to legal immigrant children not only improves their health status but also reduces costs associated with uncompensated care in the health care system as a whole.

With the creation of Florida KidCare, which includes programs to cover almost all Florida children, the state fully recognized the importance of a healthy childhood to a child's development and future success. But Florida fails to meet the obligation to protect our children if thousands are blocked from receiving the coverage they need to ensure healthy, happy lives.

A number of lawmakers have acknowledged this contradiction, and two are currently fighting to reverse it with legislation to repeal the five-year wait for lawfully residing immigrant children to become eligible for health insurance through Medicaid and CHIP.

Senate Bill 294, sponsored by Sen. René García (R-Hialeah) and its companion, HB 829 by Rep. Mike La Rosa (R - St Cloud) would open KidCare coverage to approximately 22,602 immigrant children, according to the state's Agency for Health Care Administration. If enacted in 2015-16, the Agency estimates the change would cost about \$42 million in total, incurring for the state a maximum cost of about \$4.8 million for all KidCare components, including Florida Healthy Kids, MediKids, CMS and Medicaid for Children,. By investing in the expansion of eligibility, the state could draw down the remaining cost of approximately \$37.5 million in federal matching funds.



Similar bills sponsored by the same legislators in the 2012, 2013, and 2014 legislative sessions drew criticism from opponents, who claimed the bills included benefits for undocumented immigrant children (Even though this was not the case—given that federal regulations prohibit that--the sponsors reworked the language to explicitly exclude undocumented immigrants from optional Medicaid services like KidCare. The current legislation also does not seek to eliminate the waiting period for adult legal immigrants, and it reaffirms that undocumented immigrants will continue to be ineligible for both Medicaid and CHIP, regardless of how long they have resided in the country.

Additionally, opponents of the legislation have said it will lead to increased state spending. But delaying care often results in the development of chronic conditions that can be difficult and more expensive to treat. The initial costs to Florida for expanding subsidized health coverage to uninsured children ultimately would save money by offering preventive care, which reduces hospital visits and unchecked illnesses that cause children to miss school, parents to miss work—creating a costly burden on the health care system.

As of this writing, SB 294 has unanimously passed two Senate committees and is posed to go to its final committee. By contrast, HB 829 has yet to get a hearing after being assigned to three House committees.

Sources: Florida House of Representatives Staff Analysis of HB 7 (2014), Georgetown University Center for Children and Families,

THE FOLLOWING ORGANIZATIONS ENDORSED THE BILLS:

Children's Hospital Association

Children's Movement of Florida

Early Learning Coalition of Miami-Dade/Monroe

Fatherhood Task Force of South Florida

Florida Center for Fiscal and Economic Policy

Florida CHAIN

Florida Chapter of the American Academy of Pediatrics

Florida Children's Council

Florida Conference of Catholic Bishops

Florida Conference of the United Methodist Church

Florida Covering Kids & Families

Florida Impact

Greater Miami Chamber of Commerce

KidsWell Florida

Lutheran Services

PICO United Florida

The Children's Trust

United Way of Florida



HB 829: FLORIDA KIDCARE PROGRAM

Sponsor: Rep. Mike La Rosa (R-St. Cloud)

Companion Bill: SB 294 by Sen. René García (R-Hialeah)

Description: Defines term "lawfully residing child"; revises eligibility for KidCare program; excludes undocumented immigrants from eligibility; provides eligibility for optional payments for medical assistance & related services for certain lawfully residing children; excludes undocumented immigrants from eligibility for optional Medicaid payments or related services.

ABOUT FLORIDA KIDCARE

The Florida KidCare Program was created by the Florida Legislature in 1998 in response to the federal enactment of the State Children's Health Insurance Program in 1997. The Children's Health Insurance Program (CHIP) provides subsidized health insurance coverage to uninsured children who do not qualify for Medicaid but who meet other eligibility requirements.

KidCare consists of Medicaid, MediKids, the Children’s Medical Services Network and Florida Healthy Kids. KidCare coverage is funded by state and federal funds through Title XIX (Medicaid) and Title XXI (CHIP) of the federal Social Security Act. Families also contribute to the cost of the coverage under the Title XXI-funded components of KidCare based on their household size, income and other eligibility factors. For families with incomes above the income limits for premium assistance or who do not otherwise qualify for assistance, KidCare also offers an option under the Healthy Kids component and the MediKids component for the family to obtain coverage for their children by paying the full premium.

Federal law restricted the eligibility of documented immigrants, including children and pregnant women, for social service benefits and programs such as Medicaid and CHIP. Documented immigrants were ineligible to apply for and receive these benefits for five years, beginning with the date of their arrival in the U.S. In 2009, the Children’s Health Insurance Program Reauthorization Act (CHIPRA) permitted states to remove the five-year waiting period and allow certain children immediate eligibility for Medicaid and CHIP coverage.



CHILD NUTRITION REAUTHORIZATION

The Child Nutrition and WIC Reauthorization Act authorizes all of the federal school meal and child nutrition programs, designed to ensure that children from low-income families have access to healthy and nutritious foods. The child nutrition programs touch millions of children each day, and improve educational achievement, economic security, nutrition and health.

Although the programs are permanently authorized, every five years Congress reviews the laws governing these programs through the reauthorization process. The Healthy, Hunger-Free Kids Act of 2010 (Public Law 111-296) is set to expire on September 30, 2015. The School Breakfast, National School Lunch, Child and Adult Care Food Program, Summer Food Service Program, and Special Milk Program are entitlement programs and only--subject to Congress funding their operations. The rest of the child nutrition programs are discretionary programs and, as such, could expire on September 30, 2015 without congressional action to renew them.

Reauthorization provides an opportunity to improve and strengthen the child nutrition and school meal programs so they better meet the needs of our nation's children in pre-school, school-based and out-of-school time settings.

The reauthorization amends two existing statutes: the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966. The former, signed by President Harry S. Truman in 1946, created the National School Lunch Program. Twenty years later, President Lyndon B. Johnson signed the Child Nutrition Act of 1966 into law, which established the School Breakfast Program. In subsequent years,

other child nutrition programs (like CACFP and SFSP) were added to the National School Lunch Act.

Millions of low-income children benefit from the healthy food provided by the child nutrition programs. Schools, afterschool and summer programs, and child care providers also benefit from the public funding that helps cover the costs of providing nutritious food to hungry children.



- According to the latest USDA data, nearly 16 million children (one in five) live in households struggling with hunger.
- In 2012, 16.1 million children, or 21.8 percent of all children under age 18, lived in poverty.
- During the 2012-13 school year, 1.5 million low-income children in Florida were eligible for free or reduced-price lunches.
- During the 2012-13 school year, an estimated 720,000 low-income children in Florida received free or reduced-price breakfasts.
- In Florida, 165,000 low-income children received summer meals in 2014.
- In May 2014, an estimated 58,000 low-income children received after school meals.



The following child nutrition programs are up for review this Congressional session:

The National School Lunch Program guarantees that millions of low-income children receive a healthy lunch at school. All children can participate in the program, but children from low-income families qualify for free or reduced-price meals.

The School Breakfast Program ensures that children across the country can get a healthy breakfast at school. As with the case of school lunches, children are eligible for free, reduced-price or paid breakfasts based on family income.

The Child and Adult Care Food Program (CACFP) reimburses child care centers, Head Start Programs, family child care homes, homeless shelters and afterschool programs for snacks and meals served to children. Generally, children under the age of 12 as well as certain disabled adults can participate, but homeless shelters and afterschool programs can serve children 18 and under. The Afterschool Meal Program (AMP) provides federal funds to private and public nonprofits (including schools) for serving nutritious snacks and meals as part of afterschool programs. Some children may not receive a full, nutritious meal between their school lunch and breakfast, so this program plays a pivotal role in meeting that gap.

The Summer Food Service Program (SFSP) ensures that children (18 and under) who depend on school

lunch and breakfast during the school year have access to free, nutritious meals and snacks during the summer when school is out. It provides reimbursements to schools, local government agencies and private nonprofit organizations that serve free meals and snacks to children at sites located in low-income areas or that serve primarily low-income children. Once a site is approved under the SFSP, all children in a community can eat free at open sites.

The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) provides nutritious foods, nutrition education, and access to health care to low-income pregnant women, new mothers, infants and children up to age 5. The monthly WIC food package is a combination of foods that improve nutrition for pregnant women, new mothers, and children.

The WIC Farmers Market Nutrition Program issues coupons to WIC recipients that can be used to purchase fresh, locally-grown fruits and vegetables at participating local farmers' markets.

Fresh Fruit and Vegetable Program provides fresh fruit and vegetable snacks to children during the school day. Only elementary schools in which at least 50 percent of the students are eligible for free and reduced price school meals can apply to participate in the program.

The Special Milk Program supports serving milk to children in schools and child care institutions that do not participate in other nutrition programs

- In addition, to Child Nutrition and WIC Reauthorization, Senators Kristin Gillibrand (D-NY) and Lisa (R-AK) have introduced the Summer Meals Act of 2015, S. 613. This bill includes four key proposals. It proposes:
- Allowing local government agencies and private nonprofit organizations to feed children year-round through the Summer Food Service Program
- Improving the area eligibility test to allow community-based organizations to participate if 40% of children in the area are eligible for free or reduced-price meals
- Providing funding for transportation grants to fund innovative approaches and mobile meal trucks
- Allowing all sites to serve a third meal

Other federal summer nutrition legislation is expected to propose a Summer EBT card for families to help reach children without transportation or safe passage to a Summer BreakSpot site and allowing school districts to run the afterschool supper program out of the National School Lunch Program.

Sources: Food Research and Action Center—Child Nutrition Reauthorization Primer

DONATE!

In our first 30 years, **FLORIDA IMPACT** leveraged nearly \$4 billion in additional public funds to serve an estimated 800,000 low-income Floridians. This is accomplished with aggressive, strategic outreach to maximize federal food and nutrition programs in the state. Florida Impact organizes the direct involvement of community leaders in advocating for public policies and programs responsive to the needs of low-income families. Florida Impact is a three-time winner of the Congressional Hunger Center's Victory against Hunger Award and serves as the lead, convening organization for the Florida Partnership to End Childhood Hunger.

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