

Upholding Inequity: Historical Racism in the TANF Program Demonstrated by Florida's Inadequate Cash Assistance Payment Levels

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Summary

When times get tough — whether it is losing a job, suffering a health crisis, or experiencing some other unexpected setback — people rely on a broad range of support to recover. One of those supports has been the Temporary Assistance for Needy Families program (TANF or cash assistance), which provides a critical safety net for families in Florida who are struggling to make ends meet.

TANF, which is funded jointly by the federal government and the state, is the only statewide cash assistance program in Florida that helps families with children. The TANF program has the potential to be a win-win for the state and Floridians. Cash assistance has been shown to improve childhood outcomes, including school performance, health, and economic well-being.¹

However, Florida's TANF program is failing to live up to its potential. The Florida Legislature has not updated TANF benefit payments in the state for three decades. The maximum benefit payment for a family of three (the average size of a TANF assistance unit in Florida) has remained fixed at \$303 since 1992, which is over 80 percent *below* the Federal Poverty Level (FPL) and makes it unlikely that a family can meet the basic needs of children participating in the program.

TANF allows individual states to design their own program and set the benefits levels associated with that program. For more than three decades, this flexibility has enabled the Florida Legislature to continually shrink the state's TANF program, making it harder for working families to achieve the stability needed to get back on a path to prosperity. Lawmakers did this based on false racist narratives about TANF participants that continue to drive the program and keep benefits at levels that are appallingly insufficient to meet the basic needs of children in the program. Today, Black children are more likely to live in states that have the lowest TANF payment levels², like Florida, where over 8 percent of Black children in the entire country live.³

It is not too late to remake TANF into the program that it always should have been: a sturdy safety net for families to improve their children's prospects, no matter their racial or ethnic background. To do that, Florida lawmakers must recognize that programs like TANF benefit everyone, and they must reject

false narratives about TANF participants by prioritizing an overhaul of the of laws and policies that contribute to the program's racial disparities, starting with a belated increase in benefit payments.

Inadequate Payment Levels in TANF Programs Reflect Historical Racism

One of the features of TANF is the flexibility of each state to design their own program within broad parameters set by Congress. Although touted as giving states the ability to create a program that responds to the unique needs of its own residents, this flexibility is grounded in the doctrine of "states' rights," which was originally designed to allow states to protect slavery from federal interference. ⁴ Even now, this doctrine is used to uphold racist policies and power structures from the post-Civil War era.

For example, differences among each state's cash assistance programs harken back to the early 20th century when many states, including Florida, administered state and locally funded mothers' pension programs to assist primarily white mothers at a benefit level of the state's choosing. Later, in 1935, when the federal government created the Aid to Dependent Child (ADC) program — fashioned after mothers' pension programs — Congress declined to set a uniform payment standard for benefit payments. Instead, the federal government stooped to the demands of Southern members of Congress, who called for state control of payment levels. ⁵ To this day, all efforts to include a minimum benefit for cash assistance at the federal level have been unsuccessful, ⁶ and the law continues to allow states to set their own payment levels.

Mothers' Pension Programs (1919)

TANF is modeled after mothers' pensions programs created in the early 1900s to provide help to women caring for children on their own. In most cases, assistance from mothers' pension programs was only available to mothers who were divorced or had been deserted, or whose husbands were dead, in jail, or had a disability. These programs were designed to allow white mothers to stay at home and raise their children while Black women, who have always had the highest work rates, were forced into low-paying jobs, often cooking and cleaning in the private homes of white families in order to support their families. In Florida, as in many states at the time, unmarried mothers and most mothers of color were ineligible for help.

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Florida's mothers' pension program, implemented in 1919, was first administered under state law by school boards. ¹¹ The program initially provided a monthly benefit of \$25 per month for the first child and \$8 per month for each additional child. Eligibility for mothers' pension programs turned, in large part, on the discretion of caseworkers who made their decisions based on moral judgments about the

family's deservingness. This discretion allowed racism to influence eligibility determinations. ¹² In a 1931 study of mothers' pension programs nation-wide, only 3 percent of recipients of aid were Black — and most of these Black recipients lived in Ohio and Pennsylvania. ¹³ In three of the participating counties in Florida, that study found that "only a few" Black families were provided aid. ¹⁴ Even the Unemployment Insurance and Old Age Insurance programs, which excluded agricultural and domestic workers, were originally crafted to keep out Black women, 90 percent of whom worked as agricultural and domestic workers at the time. ¹⁵

Aid to Families with Dependent Children (1935)

As a response to the immense poverty created by the Great Depression, Congress established the federal Aid to Dependent Children (ADC) program (later renamed Aid to Families with Dependent Children, or AFDC)¹⁶ in 1935 to provide assistance to families whose income was too low to meet the basic needs of their children.¹⁷ Patterned after mothers' pension programs, AFDC was designed to provide cash assistance to families with children when one or both parents died, lost their jobs, had a disability, or left the family for some other reason.¹⁸ AFDC was a federal entitlement program administered jointly by states and the United States Department of Health and Human Services (HHS).

Benefit levels for AFDC were purposefully designed to be so low that mothers would be forced to continue to work in low-wage jobs, such as housekeepers in private homes, as a concession to Southern lawmakers. When presented with a proposal by President Richard Nixon to revamp cash assistance with a program that guaranteed a minimum level of support, Congress rejected the notion of setting minimum benefits. One Louisiana Congressman, who feared that a basic allotment level would cause Black women, who were more likely to be domestic workers, to opt to receive benefits instead of work, groaned, "I can't get anybody to iron my shirts." ¹⁹

In the 1970s, the number of people participating in AFDC increased significantly nationwide. This, along with the growing number of women entering the workforce, caused resentment among white middle-class people, who blamed families of color for the surge in

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participation and thought that families who received assistance from AFDC "could get along without it if they tried." ²⁰ Although Black families did not make up the majority of the national caseload, the perception that Black mothers dominated the program began to be reflected in media accounts about AFDC and by lawmakers, whose rhetoric took on racist undertones.²¹

At the same time, the term "welfare queen" was popularized by the Chicago Tribune in a 1974 report that stereotyped cash assistance participants as Black mothers who were flamboyant criminals cheating the system for their own gain. The article centered on Linda Taylor, a mixed-race scam artist who was suspected of murder and accused of a variety of crimes, including kidnapping, theft, and AFDC fraud. (Although Linda Taylor moved to Florida later in her life, where she was eventually charged with stealing bulls and cashing the pension checks of a deceased person, there are no specific media accounts of her committing AFDC fraud in Florida. Even though the truth was that, in the 1970s, there were more white and Hispanic AFDC recipients than Black recipients, the story of Linda Taylor was used by lawmakers and others to focus on fallacies about the program rooted in untrue stereotypes. In short, AFDC became the target of criticism perpetuating false stereotypes of Black women as being lazy and irresponsible of criticism perpetuating false stereotypes of Black constituents to win reelection.

Florida Imposes Time Limits on Receipt of Cash Assistance in 1994 Pilot Program

As then-President Bill Clinton and members of Congress began to discuss regressive changes to the AFDC program such as time limits and harsh work requirements, Florida took one of the first steps of any state in the country toward re-fashioning cash assistance on its own as a reaction to false narratives about the program. In 1994, at the urging of then-Governor Lawton Chiles, Florida developed the Family Transition Program (FTP), a pilot program implemented in several counties, including Alachua and Escambia counties. FTP imposed rigorous work requirements on AFDC participants along with — for the first time ever in the country — time limits on receipt of assistance. Passage of the FTP was viewed by some as a political decision on Chiles' part to cater to both sides of the aisle to ensure his reelection. At the time, one state representative boasted, "[W]e will be the first state in the nation to have time-limited benefits. There are no other states. Mr. Clinton's proposal mirrors what we are doing."

Source: Robin H. Rogers-Dillon, "The Welfare Experiments: Politics and Policy Evaluation," *Stanford Law and Politics*, 2004, https://bit.lv/3c2B8XB.

Temporary Assistance to Needy Families (1996-present)

Congress repealed AFDC in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)²⁸ to "end welfare as we know it."²⁹ Empowered by the enthusiasm of states like Florida to impose both time limits and stringent work requirements, and driven by racist narratives that painted AFDC participants as malingerers who should be forced into the workforce, Congress replaced AFDC with Temporary Assistance for Needy Families (TANF). TANF is a fixed block grant that has funded the program at the same amount every year since its inception regardless of caseload growth or increased need due to a recession or pandemic.³⁰ Although PRWORA gave states unprecedented flexibility to

design their own TANF programs, the act also mandated work requirements and placed a five-year time limit on receipt of benefits. In addition, the new law ended the entitlement nature of cash assistance, which means that the law no longer guaranteed that all eligible persons would receive aid.

By the time that President Clinton was poised to sign PRWORA into law in 1996,³¹ The New Republic featured a front cover that said, "DAY OF RECKONING," above a picture of a Black woman smoking a cigarette and holding a baby. Below the picture, the cover implored President Clinton to "Sign the Welfare Bill Now," although, in truth, Black families were not the majority of the AFDC caseload. ³²

Florida Uses Flexibility of TANF to Uphold Historical Racism

Work and Gain Economic Self-Sufficiency (1996)

In 1996, in anticipation of Congress passing PRWORA, the Florida Legislature abolished Florida's AFDC program state-wide and replaced it with Work and Gain Economic Self-Sufficiency (WAGES).³³ WAGES was Florida's first TANF program.³⁴ Although WAGES did away with the long-standing AFDC requirement that at least one parent (usually the father) have a disability, be unemployed, or be absent from the

home for the family to establish eligibility, Florida's new TANF program embraced many of the harmful measures that were being discussed at the national level in response to racial stereotypes that permeated the AFDC program. Those measures, which were incorporated by Florida lawmakers into the state's program, included:³⁵

• Denying or reducing assistance for children born to families already participating in the program (called "family cap"). Although not required by PRWORA, family cap denies participants additional benefits for children they have while receiving TANF with very few exceptions. Florida chose to include family cap in its design of the TANF program.³⁶ Rooted in the myth³⁷ that a woman receiving assistance has additional children to get more benefits,³⁸ family cap is an extension of the historical legacy of attempts to exercise reproductive control over Black women.³⁹ Although WAGES did away with the long-standing AFDC requirement that at least one parent (usually the father) have a disability, be unemployed, or be absent from the home for the family to establish eligibility, Florida's new TANF program embraced many of the harmful measures that were being discussed at the national level in response to racial stereotypes that permeated the AFDC program.

Family cap puts a significant hardship on families trying to meet their children's needs, particularly in states that already provide woefully inadequate assistance payments. Further, research suggests that family cap is more prevalent in states with higher percentages of Black participants, ⁴⁰ like Florida. ⁴¹ Because of this, many states that initially imposed family cap on TANF participants have since repealed those laws. ⁴²

Although only 11 other states still impose family cap on TANF families, Florida has done nothing to get rid of family cap, to the detriment of children who are the most in need.

• Imposing a four-year lifetime time limit. Time limits are premised on racist beliefs that Black women will stay on TANF, instead of working, unless forced to leave the program. ⁴³ In reality, many TANF recipients who are forced out of the program due to time limits often face physical or mental health challenges that affect their ability to find jobs. For those who do find work, most end up in low-paying jobs that keep their families mired in poverty and continued hardship. ⁴⁴

Even though PRWORA allowed states to set the time limit as high as five years, Florida chose to set its time limit at four years.

• Implementing a lifetime ban on TANF eligibility for people with felony drug trafficking convictions. PRWORA requires states to impose a lifetime ban on receipt of cash assistance and Supplemental Nutrition Assistance Program (SNAP) benefits for people with previous drug felony convictions. However, the law explicitly allows states to modify the restriction or opt out completely.

Florida lawmakers have chosen to ban people with past drug trafficking convictions from ever receiving TANF or SNAP. ⁴⁵ Denying assistance under the ban disproportionately affects people of color because of uneven enforcement of Florida's drug laws: Black individuals make up almost half (47 percent) of incarcerated individuals in Florida⁴⁶ yet only 17 percent of the state's population. ⁴⁷ This ban also takes a large toll on Florida's economy. A study looking at the law says that, by 2017, the ban had already cost Florida more than \$70 million due to high re-arrest rates, or recidivism. ⁴⁸

Since 2015, at least 18 states have lifted or modified similar bans, including Alabama, Arizona, Arkansas, Georgia, Indiana, Louisiana, Mississippi, North Dakota, South Dakota, Texas, and West Virginia.⁴⁹ Yet Florida continues to impose this ban. Although a bill to repeal the law was filed with bipartisan support during the state's 2022 legislative session, it was never heard in any committee.⁵⁰

• Imposing work sanctions on the entire family for noncompliance with TANF work activities. Many TANF participants are required to participate in a work activity as a condition of receiving benefits, or face sanctioning as punishment. Although federal law only requires that work-related sanctions be a *reduction* in the amount of assistance provided to the family, states are allowed the option of terminating the family's *entire* benefit payment. In Florida, benefits for every member of the family, including, in most cases, the family's children, are cut off as a work sanction until the participant complies.

Some TANF participants are ready and able to comply with work requirements. However, according to the Florida Legislature's Office of Program Policy Analysis & Government Accountability (OPPAGA), while many families subject to work requirements have significant barriers that affect their participation, they get sanctioned just the same. Although the most common barrier reported by families in Florida is lack of child care and transportation, the ability of TANF participants in the Sunshine State to work is also affected by other obstacles, such as health problems and education levels that make it difficult for them to qualify for a job. 53

Although work requirements apply to participants regardless of race, racism affects the imposition of work-related sanctions. A study of Floridians participating in TANF for longer periods found that Black TANF participants were more likely to be sanctioned than white participants,⁵⁴ even though Black women have demonstrated, over time, their unusually high work rates.

Welfare Transition Program (2000-present)

In 2000, the Legislature once again revamped Florida's TANF program, renaming it Welfare Transition, yet preserving the harsh policies first implemented in WAGES that were based on stereotypes that run counter to an equitable program. ⁵⁵ Today, Florida calls its TANF program "Temporary Cash Assistance."

Increasing TANF Payment Levels Would Foster a More Equitable Cash Assistance Program

The Florida Legislature has made repeated changes to the cash assistance program in the past 30 years. However, it has not raised TANF benefit levels in all that time.⁵⁶ Even though 20 states, including Mississippi, South Carolina, Tennessee, Texas, and West Virginia, have increased TANF benefits since July 2020, ⁵⁷ the average grant amount for families in Florida remains at \$239.⁵⁸ Meanwhile, the nationwide median TANF benefit level is \$498.⁵⁹

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TANF payments in Florida have lost more than 41 percent of their spending power since the last time they were raised. ⁶⁰ If the state's TANF payments had kept pace with inflation, assistance for a family of three ⁶¹ would have risen to over \$633, more than double what those payments were three decades ago. ⁶² Even in 1992, the last year that cash assistance payments were raised, benefits were already insufficient to meet the basic needs of children: \$303 for a family of three was under 32 percent of the federal poverty level at the time. Today, that same \$303 provides assistance that is under 17 percent of the FPL.

Florida's low benefit payments put Florida's TANF allotments in the bottom 10 of all states in the country, behind even South Carolina, Tennessee, Texas, Virginia, and West Virginia.⁶³

In fact, Florida's TANF allotments are at the lowest level they have ever been in the history of its cash assistance program. For a family of three, the maximum TANF grant that a household can receive (\$303 a month) is barely enough to pay a household's utility bill, much less meet the most basic needs of children in a struggling family.

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Higher TANF benefit levels would allow families to afford the rising cost of housing. Very few families participating in cash assistance in Florida live in public housing. With an average fair market rent for a two-bedroom apartment in the Sunshine State at \$1,290⁶⁴ and average utility costs⁶⁵ for electricity and water at \$200,⁶⁶ parents who turn to TANF are hard-pressed to meet the housing needs of their children, even without other ordinary costs of raising a child, like diapers, schoolbooks, school supplies, and clothing.

Florida's neglect of TANF benefits comes as no surprise. Racist narratives about participants shaped the state's policies for providing cash assistance to children with families. Today, those laws continue to make it harder for the vast majority of families, particularly families with low income and families of color, to make ends meet.

Since PRWORA was passed in 1996, the number of Floridians participating in TANF has plummeted by 92 percent⁶⁷ and participation of Black families has taken a bigger hit than any other race or ethnicity. The share of Black Floridians in the cash assistance caseload has fallen by 6 percent (from 51 percent to 45 percent).⁶⁸ In contrast, the number of white participants has declined by 1 percent (from 34.4 percent to 33.4 percent), while participation of Hispanic families has increased by 7 percent (from 13.4 percent to 20.1 percent).⁶⁹

There is a correlation between low TANF benefit levels and racial demographics. Today, Black children

are more likely to live in states that have the lowest TANF payment levels,⁷⁰ like Florida, where over 8 percent of Black children in the entire country live.⁷¹ Additionally, while the neglect of TANF payments impacts children of all races and ethnicities, Florida's intentionally low allotment levels are particularly harmful to children in families of color.⁷² Black children in the Sunshine State are almost twice as likely to live in poverty as white children due to historical barriers to housing, jobs, and education. Since the percentage of Black children living in poverty in Florida is higher than for children of any other race or ethnicity,⁷³ Black children are also disproportionately represented in Florida's TANF program and particularly hurt by low benefits.⁷⁴

Yet, Florida only uses about 14 percent of its TANF funds on basic assistance, the spending category "monthly cash benefits,"⁷⁵ and half of that money goes to households caring for children involved in the child welfare system.⁷⁶

The 2022 Legislature, using TANF money,⁷⁷ increased payments to people caring for children who have been removed from their parents under court order. However, lawmakers did not increase TANF cash benefits for parents who need help to keep their families together under one roof.⁷⁸

Although increasing money available for the care of children is a good investment, laws that only provide for better care of children *after* they are removed from their parents are the antithesis of family-friendly and they perpetuate the racist underpinnings of the TANF program.

Facts Disprove Racist Stereotypes About Cash Assistance Participants in Florida

Even now, stereotypes about who participates in the TANF program persist.⁷⁹

Yet, hard facts disprove racist stereotypes about cash assistance participants. Black recipients do not make up the majority of the TANF program, either nationally or in Florida. Nor is it true that Black women would rather not work. Black Floridians work at a higher rate (63.6 percent) than white Floridians (57 percent). In fact, regardless of their age or whether they are married or have children, Black women have always worked at higher levels than other women. The problem is that, because of racist pay gaps and gender inequality in the labor force, Black people, and Black women in particular, earn less.

While white Floridians earned a median hourly wage of \$22.03 in 2020, Black workers only earned \$16.76.

Black women in Florida experience occupational segregation: they are relegated to low-wage jobs with inadequate benefits, like home health aides, customer service representatives, and cashiers.⁸³ As a result, half of Black women who work full time do not earn enough to be economically secure, which means that they cannot afford basic necessities,⁸⁴ compared to only 22 percent of white women in full-

time jobs. While white Floridians earned a median hourly wage of \$22.03 in 2020, Black workers only earned \$16.76.85 The median income for white households in Florida is \$62,704 compared to \$35,392 for Black households.86 This gap is further exacerbated by the gender wage gap in Florida, with Black women earning a median wage of \$30,907, less than both Black men (\$34,719) and white men (\$51,136).

The Fate of Children in Need is in Florida Policymakers' Hands

Unless Florida policymakers act, TANF benefits for families will only continue to fall further below poverty — to the detriment of children whose most basic needs go unmet.

Increasing TANF benefit levels to promote racial equity is within Florida's control. The state has a choice when it comes to TANF: either continue to purposely weaken the program, or fund benefits at a level that promotes equity and opportunity for all children. The Legislature can begin an antiracist redesign of TANF that stems the deterioration of benefits and creates a strong foundation that allows families to thrive. The first step is to acknowledge the racism embedded in the current program and commit to a plan for raising benefits to a level that helps meet the basic needs of all Florida's families and children.

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