

By Representatives Turnbull, Fischer, Dawson-White,
Murman, Wasserman Schultz, Jacobs, Dennis and Brennan

1 A bill to be entitled
2 An act relating to protection of victims who
3 apply for or receive public assistance;
4 providing legislative findings with respect to
5 protection of applicants and recipients of
6 certain public assistance; providing for state
7 adoption of specified Family Violence Option
8 provisions of the Social Security Act;
9 prescribing duties of the Department of
10 Children and Family Services relating to
11 identification of Temporary Assistance to Needy
12 Families (TANF) assistance applicants and
13 recipients who are victimized by or at risk of
14 domestic violence; providing for waiver of
15 certain program requirements; defining "victim
16 of domestic violence"; providing for exercise
17 of the state option to provide certain public
18 assistance to immigrants who have been battered
19 or subjected to extreme cruelty, including
20 Temporary Assistance to Needy Families (TANF),
21 Title XX social services, and Medicaid;
22 providing an effective date.

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24 Be It Enacted by the Legislature of the State of Florida:

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26 Section 1. Family violence option; adoption by
27 state.--

28 (1) Legislative findings.--The Legislature finds that:

29 (a) Domestic violence makes it difficult for
30 individuals to attain economic self-sufficiency. Physical and
31 mental effects of past and present abuse can hinder job

1 performance. Abusive partners wishing to keep their victims
2 economically dependent on them sabotage the victim's efforts
3 to obtain training, education, and employment. Participation
4 in the justice system can also impede an individual's efforts
5 to obtain economic independence as they become involved with
6 the demands of that system. Attempts to escape violent living
7 arrangements disrupt work and can require relocation to
8 different areas. Domestic violence also makes it difficult to
9 comply and cooperate with child support and paternity
10 regulations as compliance can place individuals at risk of
11 greater violence.

12 (b) Persons should not be forced to remain in a
13 violent living situation, or to place themselves or others at
14 risk, in order to retain assistance or for economic survival
15 or because an applicable time limit has expired.

16 (c) Persons should not be penalized because the
17 effects of past or present domestic violence cause them to
18 fail to comply with requirements for assistance.

19 (2) Protection of applicants and recipients who are
20 victims of domestic violence.--

21 (a) This state adopts the Family Violence Option at
22 section 402(a)(7) of the Social Security Act, in order to
23 protect those individuals who may need Temporary Assistance to
24 Needy Families (TANF) assistance, and who are past or present
25 victims of domestic violence or those at risk of further
26 domestic violence so that they are not placed at risk or
27 unfairly penalized.

28 (b) The Department of Children and Family Services
29 shall:

30 1. Identify applicants and recipients of assistance
31 under this act or chapter 409 or chapter 414 who are past or

1 present victims of domestic violence or at risk of further
2 domestic violence, while protecting confidentiality;
3 2. Refer these individuals for counseling and
4 supportive services; and
5 3. Waive, pursuant to a determination of good cause,
6 any program requirements that would impair these individuals'
7 ability to escape domestic violence or penalize past or
8 present victims of domestic violence, such as time limits on
9 receipt of assistance, work requirements, paternity
10 establishment and child support cooperation requirements,
11 residency requirements, family cap provisions, limitations on
12 emergency assistance, limitations on Temporary Assistance to
13 Needy Families (TANF) assistance to noncitizens, or any
14 penalty or sanction, including reduction or termination of
15 assistance, for failure to comply with a program requirement.
16 (c) For purposes of this section, a "victim of
17 domestic violence" is someone who has been battered or
18 subjected to extreme cruelty as that term is defined in
19 section 408(a)(7)(C)(iii) of the Social Security Act.
20 Section 2. Battered immigrants' option; adoption by
21 state; protection of battered immigrants.--To ensure that
22 immigrants who have been battered or subjected to extreme
23 cruelty, as defined by section 408(a)(7)(C)(iii) of the Social
24 Security Act, by a United States citizen or lawful permanent
25 resident spouse or parent, are not placed at further risk of
26 violence or unfairly penalized, this state exercises the state
27 option to provide Temporary Assistance to Needy Families
28 (TANF), Title XX social services, and Medicaid to immigrants
29 authorized under section 402(b)(1) of the Social Security Act,
30 as amended by the Illegal Immigration Reform and Immigrant
31 Responsibility Act, P.L. 104-208 n501.

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Section 3. This act shall take effect October 1, 1997.

HOUSE SUMMARY

Provides legislative findings with respect to protection of applicants and recipients of certain public assistance who are victims. Provides for state adoption of specified Family Violence Option provisions of the Social Security Act. Prescribes duties of the Department of Children and Family Services relating to identification of Temporary Assistance to Needy Families (TANF) assistance applicants and recipients who are victimized by or at risk of domestic violence. Provides for waiver of certain program requirements. Defines "victim of domestic violence." Provides for exercise of the state option to provide certain public assistance to immigrants who have been battered or subjected to extreme cruelty, including Temporary Assistance to Needy Families (TANF), Title XX social services, and Medicaid.