

HB 7181

2007

1 A bill to be entitled
2 An act relating to immigrant victims of human trafficking
3 and other serious crimes; creating s. 414.156, F.S.;
4 providing a definition; providing for the establishment of
5 a state-funded benefit program subject to the availability
6 of funds; providing for eligibility for benefits;
7 providing for termination of benefits; providing for the
8 creation of a public awareness campaign; providing a
9 contingent effective date.

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

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13 Section 1. Section 414.156, Florida Statutes, is created
14 to read:

15 414.156 Interim benefit program for immigrant victims of
16 human trafficking and other crimes.--

17 (1) The federal Victims of Trafficking and Violence
18 Protection Act of 2000, Pub. L. No. 106-386, makes victims of
19 human trafficking and other serious crimes who are non-United
20 States citizens eligible to receive benefits and services to the
21 same extent as refugees once the victims become certified by the
22 United States Department of Health and Human Services or have
23 been granted U-visa interim relief. Other benefits may not be
24 available to those individuals before federal eligibility has
25 been determined; therefore, subject to the availability of
26 funds, the department shall establish an interim state-funded
27 benefit program for immigrant victims of human trafficking,
28 domestic violence, and other serious crimes.

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29 (2) For purposes of this section, "immigrant victims of
30 human trafficking, domestic violence, and other serious crimes"
31 includes both of the following:

32 (a) Individuals who have filed, or are preparing to file,
33 an application for T Nonimmigrant status under 8 U.S.C. s.
34 1101(a)(15)(T)(i) or (ii) or are otherwise taking steps to meet
35 the conditions to obtain certification or, in the case of
36 persons under 18 years of age, have a letter of eligibility from
37 the United States Department of Health and Human Services.

38 (b) Individuals who have filed, or are preparing to file,
39 an application for U Nonimmigrant status under 8 U.S.C. s.
40 1101(a)(15)(U)(i) or (ii) or are otherwise taking steps to be
41 granted U-visa interim relief.

42 (3) Immigrant victims of human trafficking, domestic
43 violence, and other serious crimes shall be eligible for state-
44 funded benefits to the same extent as individuals who are
45 admitted to the United States as refugees under 8 U.S.C. s. 1157
46 under the following circumstances:

47 (a) For human trafficking victims on behalf of whom law
48 enforcement officials have not yet filed for continued presence
49 or who have not yet filed an application for a visa, benefits
50 issued pursuant to this section shall be available for up to 1
51 year and shall continue after that date only if an application
52 for continued presence or an application for a visa is filed
53 within the 1-year period.

54 (b) For victims of domestic violence and other serious
55 crimes on behalf of whom law enforcement officials have not yet
56 provided certification or who have not yet filed an application

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57 for interim relief, benefits issued pursuant to this section
58 shall be available for up to 1 year and shall continue after
59 that date only if an application for U-visa interim relief is
60 filed within the 1-year period.

61 (c) An immigrant victim who is issued a visa or granted
62 interim relief shall become ineligible for state-funded benefits
63 under this section and may receive federal benefits under the
64 provisions of 8 U.S.C. s. 1522 or any other federal program for
65 which the immigrant victim may be eligible.

66 (d) An immigrant victim who has received a final
67 administrative denial of a visa application under 8 U.S.C. s.
68 1101(a)(15)(T)(i) or (ii) or 8 U.S.C. s. 1101(a)(15)(U)(i) or
69 (ii) shall become ineligible for state-funded benefits under
70 this section.

71 (4) For purposes of this section:

72 (a) In determining whether an applicant for benefits under
73 this section has been a victim of human trafficking, domestic
74 violence, or other serious crimes, the state agency shall
75 consider all relevant and credible evidence. A sworn statement
76 by a victim, or a representative if the victim is not able to
77 competently swear, shall be sufficient if at least one item of
78 additional evidence is also provided, including, but not limited
79 to, any of the following:

- 80 1. Police, government agency, or court records or files.
- 81 2. News articles.
- 82 3. Documentation from a social services, trafficking, or
83 domestic violence program or a legal, clinical, medical, or

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84 other professional from whom the victim has sought assistance in
85 dealing with the crime.

86 4. A statement from any other individual with knowledge of
87 the circumstances that provided the basis for the claim.

88 5. Physical evidence.

89 6. A copy of a completed visa application or application
90 for U-visa interim relief.

91 7. Written notice from the federal agency of receipt of
92 the visa application or application for U-visa interim relief.

93 (b) If the victim cannot provide additional evidence, the
94 sworn statement shall be sufficient if the state agency makes a
95 determination documented in the case file that the applicant is
96 credible.

97 (5) Subject to the availability of funds, the department
98 may develop a public awareness campaign for employers and other
99 organizations that may come into contact with immigrant victims
100 of human trafficking in order to provide education and raise
101 awareness of the problem.

102 Section 2. This act shall take effect July 1, 2007, only
103 if a specific appropriation to fund the provisions of the act is
104 made in the 2007-2008 General Appropriations Act.