

1 A bill to be entitled
2 An act relating to U-visa certification policy;
3 creating s. 908.112, F.S.; defining terms; specifying
4 duties of certifying officials from certifying
5 agencies concerning certification forms in support of
6 U-visa applications; providing a rebuttable
7 presumption; requiring a certifying official from a
8 certifying agency that denies a certification to
9 provide the petitioner with specified written notice;
10 requiring certifying agencies to grant or deny
11 requests for certifications within specified
12 timeframes; authorizing applicants to petition the
13 circuit court if the certifying agency fails to
14 respond within those timeframes; prohibiting
15 certifying agencies and certifying officials from
16 disclosing the immigration status of victims or
17 persons seeking a certification; providing initial and
18 annual reporting requirements; providing immunity for
19 certifying officials; specifying duties of certifying
20 agencies; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 **Section 1. Section 908.112, Florida Statutes, is created**
25 **to read:**

26 908.112 U-visa certification policy.-

27 (1) As used in this section, the term:

28 (a) "Certification form" means Form I-918, Supplement B, U
29 Nonimmigrant Status Certification as required by 8 U.S.C. s.
30 1184(p).

31 (b) "Certifying agency" means a state or local law
32 enforcement agency, a prosecutor, a judge, or any other
33 governmental agency that has criminal, civil, administrative,
34 investigative, or prosecutorial authority.

35 (c) "Certifying official" means any of the following:

36 1. The head of the certifying agency.

37 2. A person in a supervisory role who has been
38 specifically designated by the head of the certifying agency to
39 issue Form I-918 Supplement B certifications on behalf of the
40 agency.

41 3. A judge.

42 4. Any other certifying official described in 8 C.F.R. s.
43 214.14(a)(3).

44 (d) "Petitioner" means a person who requests a
45 certification, including indirect and bystander victims.

46 (e) "Qualifying criminal activity" means an offense for
47 which the elements are substantially similar to an offense
48 described in 8 U.S.C. s. 1101(a)(15)(U)(iii) of the Immigration
49 and Nationality Act or the attempt, solicitation, or conspiracy
50 to commit such an offense. Qualifying criminal activity pursuant

51 to 8 U.S.C. s. 1011(a)(15)(U)(iii) includes, but is not limited
52 to, the following crimes:

- 53 1. Rape.
- 54 2. Torture.
- 55 3. Human trafficking.
- 56 4. Incest.
- 57 5. Domestic violence.
- 58 6. Sexual assault.
- 59 7. Abusive sexual contact.
- 60 8. Prostitution.
- 61 9. Sexual Exploitation.
- 62 10. Female genital mutilation.
- 63 11. Being held hostage.
- 64 12. Peonage.
- 65 13. Perjury.
- 66 14. Involuntary servitude.
- 67 15. Slavery.
- 68 16. Kidnapping.
- 69 17. Abduction.
- 70 18. Unlawful criminal restraint.
- 71 19. False imprisonment.
- 72 20. Blackmail.
- 73 21. Extortion.
- 74 22. Manslaughter.
- 75 23. Murder.

76 24. Felonious assault.

77 25. Witness tampering.

78 26. Obstruction of justice.

79 27. Fraud in foreign labor contracting.

80 28. Stalking.

81 (2) Upon the request of a petitioner or a victim's family
82 member, a certifying official from a certifying agency must
83 certify victim helpfulness on the Form I-918 Supplement B
84 certification if the victim was a victim of a qualifying
85 criminal activity and has been helpful, is being helpful, or is
86 likely to be helpful to the detection or investigation or
87 prosecution of such qualifying criminal activity.

88 (3) For purposes of determining helpfulness pursuant to
89 subsection (2), there is a rebuttable presumption that a victim
90 is helpful, has been helpful, or is likely to be helpful to the
91 detection or investigation or prosecution of that qualifying
92 criminal activity if the victim has not refused or failed to
93 provide information and assistance reasonably requested by law
94 enforcement.

95 (4) The certifying official shall fully complete and sign
96 the Form I-918 Supplement B certification and, regarding victim
97 helpfulness, include specific details about the nature of the
98 crime investigated or prosecuted and a detailed description of
99 the victim's helpfulness or likely helpfulness to the detection,
100 investigation, or prosecution of the criminal activity. The

101 certifying agency may not consider any other factors in deciding
102 whether to sign the certification form, except whether the
103 victim was a victim of qualifying criminal activity and the
104 victim's helpfulness.

105 (5) A current investigation or an arrest, the filing of
106 charges, or a prosecution or conviction are not required for the
107 victim to request and obtain the Form I-918 Supplement B
108 certification from a certifying official.

109 (6) A certifying official may withdraw the certification
110 only if the victim refuses to provide information and assistance
111 when reasonably requested.

112 (7) (a) If a certifying official or certifying agency
113 denies certification under this section, the official or agency
114 must, in writing, notify the petitioner of the reason for the
115 denial. The denial notification must contain all of the
116 following information:

117 1. An internal case number that allows the certifying
118 agency to identify each certification request individually.

119 2. The date of the denial.

120 3. The reason for the denial, which must be of one of the
121 following:

122 a. Lack of qualifying criminal activity;

123 b. Lack of helpfulness;

124 c. Lack of jurisdiction over the certification request; or

125 d. Other circumstances for which a certifying official or

126 agency may lawfully deny a certification.

127 (b) Upon receiving notice that a request for certification
128 under this section is denied, a petitioner may provide
129 supplemental information to the certifying official or
130 certifying agency and request that the certification denial be
131 reviewed.

132 (c) After a request is denied, a petitioner may submit a
133 new request for certification to a different certifying official
134 or certifying agency for processing if the initial certifying
135 official or certifying agency was involved in investigating the
136 qualifying criminal activity.

137 (d) A certification official or agency shall keep a copy
138 of a denial notification for at least 3 years after the date of
139 the notification.

140 (8)(a) Except under circumstances in which there is good
141 cause for delay, a certifying official or certifying agency
142 shall grant or deny a request for certification:

143 1. Within 90 days after the date of the certification
144 request; or

145 2. Within 14 days after the date of the certification
146 request if the victim is in removal proceedings.

147 (b) If a certifying agency fails to respond within the
148 statutory timeframe or refuses to certify that an applicant was
149 a victim of qualifying criminal activity, the applicant may
150 petition a circuit court to review the determination of the

151 certifying agency within 30 days after such determination or
152 within 30 days after the expiration of the statutory timeframe.

153 (c) The circuit court shall conduct an evidentiary hearing
154 on such petition within 30 days after the petition is filed.
155 After conducting a hearing, if the circuit court is satisfied
156 that the applicant has proven his or her eligibility for Form I-
157 918 Supplement B certification by a preponderance of the
158 evidence and if the circuit court finds that the certifying
159 official or agency's refusal to sign was unreasonable, the
160 circuit court judge may execute the certification form. In
161 assessing the reasonableness of the certifying official or
162 agency's decision or failure to respond, the circuit court may
163 consider whether the applicant has complied with the terms of
164 this section and whether circumstances exist that would justify
165 the deferral of a decision, including whether a certification
166 would jeopardize an ongoing criminal investigation or the
167 prosecution or the safety of an individual, cause a suspect to
168 flee or evade detection, or result in the destruction of
169 evidence, or whether the applicant's cooperation is incomplete.
170 Upon finding that the certifying official or agency denied the
171 application without a factual or legal justification or failed
172 to respond to the applicant within the specified timeframes, the
173 circuit court shall make an award of reasonable costs and
174 attorney fees to a prevailing applicant. Such determination
175 shall be without prejudice to any future proceeding premised

176 upon a material change in circumstances.

177 (d) Any petition filed under paragraph (b), along with the
178 record of all hearings and all other pleadings, papers filed,
179 and orders entered in connection with such petition, must be
180 kept under seal by the clerk unless otherwise ordered by the
181 court.

182 (9) Certifying officials and agencies are prohibited from
183 disclosing the immigration status of a victim or person
184 requesting the Form I-918 Supplement B certification, except to
185 comply with federal law or legal process or if authorized by the
186 victim or person requesting the Form I-918 Supplement B
187 certification.

188 (10) A certifying official or agency that receives a
189 request for a Form I-918 Supplement B certification shall report
190 to the Speaker of the House of Representatives, the President of
191 the Senate, and the Governor on or before January 15, 2027, and
192 annually thereafter, the number of victims or persons who
193 requested such certifications from the official or agency, the
194 number of certification forms that were signed, the number of
195 certification forms that were denied, the reason for each
196 denial, and the number of pending certifications on the date of
197 the report.

198 (11) A certifying official or agency is immune from civil
199 and criminal liability for, in good faith, certifying or denying
200 certification under this section.

201 (12) A certifying agency shall:

202 (a) Designate a person or persons within the agency
203 responsible for processing requests for certification under this
204 section.

205 (b) Develop written procedures for processing requests for
206 certification under this section.

207 (c) Establish a process for each certifying agency to
208 train certifying officials and communicate with community-based
209 organizations and faith-based service providers about this
210 process.

211 **Section 2.** This act shall take effect July 1, 2026.