

PCB HCC 07-14

Redraft - B

YEAR

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

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Section 414.156, Florida Statutes, is created to
 13 read:

14 414.156 Interim benefit program for immigrant victims of
 15 human trafficking and other crimes.--

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

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

31 (a) Individuals who have filed, or are preparing to file,
 32 an application for T Nonimmigrant status under 8 U.S.C. s.
 33 1101(a)(15)(T)(i) or (ii) or are otherwise taking steps to meet
 34 the conditions to obtain certification by the United States
 35 Department of Health and Human Services.

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

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

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

52 (b) For victims of domestic violence and other serious
 53 crimes on behalf of whom law enforcement officials have not yet
 54 provided certification or who have not yet filed an application
 55 for interim relief, benefits issued pursuant to this section
 56 shall be available for up to 1 year and shall continue after that

PCB HCC 07-14

Redraft - B

YEAR

57 date only if an application for U-visa interim relief is filed
 58 within the 1-year period.

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

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

69 (4) Children under 18 years of age are not required to be
 70 certified but are automatically eligible for benefits under this
 71 section.

72 (5) For purposes of this section:

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

81 1. Police, government agency, or court records or files.

82 2. News articles.

83 3. Documentation from a social services, trafficking, or
 84 domestic violence program or a legal, clinical, medical, or other

PCB HCC 07-14

Redraft - B

YEAR

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

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

89 5. Physical evidence.

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

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

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

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