

By Senator Polsky

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A bill to be entitled
An act relating to immigration; creating s. 908.112,
F.S.; defining terms; specifying duties of certifying
officials from certifying agencies concerning
certification forms in support of U-visa applications;
providing a rebuttable presumption; requiring a
certifying official from a certifying agency that
denies a certification to provide the petitioner with
specified written notice; requiring certifying
agencies to grant or deny requests for certifications
within specified timeframes; authorizing applicants to
petition the circuit court if the certifying agency
fails to respond within those timeframes; prohibiting
certifying agencies and certifying officials from
disclosing the immigration status of victims or
persons seeking a certification; providing initial and
annual reporting requirements; providing immunity for
certifying officials; specifying duties of certifying
agencies; providing an effective date.

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

Section 1. Section 908.112, Florida Statutes, is created to
read:

908.112 U-visa certification policy.—

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

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

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

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

35 1. The head of the certifying agency.

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

39 3. A judge.

40 4. Any other certifying official described in 8 C.F.R. s.
41 214.14(a)(3).

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

44 (e) "Qualifying criminal activity" means an offense for
45 which the elements are substantially similar to an offense
46 described in 8 U.S.C. s. 1101(a)(15)(U)(iii) of the Immigration
47 and Nationality Act or the attempt, solicitation, or conspiracy
48 to commit such an offense. Qualifying criminal activity pursuant
49 to 8 U.S.C. s. 1011(a)(15)(U)(iii) includes, but is not limited
50 to, the following crimes:

51 1. Rape.

52 2. Torture.

53 3. Human trafficking.

54 4. Incest.

55 5. Domestic violence.

56 6. Sexual assault.

57 7. Abusive sexual contact.

58 8. Prostitution.

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9. Sexual Exploitation.
10. Female genital mutilation.
11. Being held hostage.
12. Peonage.
13. Perjury.
14. Involuntary servitude.
15. Slavery.
16. Kidnapping.
17. Abduction.
18. Unlawful criminal restraint.
19. False imprisonment.
20. Blackmail.
21. Extortion.
22. Manslaughter.
23. Murder.
24. Felonious assault.
25. Witness tampering.
26. Obstruction of justice.
27. Fraud in foreign labor contracting.
28. Stalking.

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

(3) For purposes of determining helpfulness pursuant to subsection (2), there is a rebuttable presumption that a victim

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is helpful, has been helpful, or is likely to be helpful to the detection or investigation or prosecution of that qualifying criminal activity if the victim has not refused or failed to provide information and assistance reasonably requested by law enforcement.

(4) The certifying official shall fully complete and sign the Form I-918 Supplement B certification and, regarding victim helpfulness, include specific details about the nature of the crime investigated or prosecuted and a detailed description of the victim's helpfulness or likely helpfulness to the detection, investigation, or prosecution of the criminal activity. The certifying agency may not consider any other factors in deciding whether to sign the certification form, except whether the victim was a victim of qualifying criminal activity and the victim's helpfulness.

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

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

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

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

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117 2. The date of the denial.

118 3. The reason for the denial, which must be of one of the
119 following:

120 a. Lack of qualifying criminal activity;

121 b. Lack of helpfulness;

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

123 d. Other circumstances for which a certifying official or
124 agency may lawfully deny a certification.

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

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

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

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

141 1. Within 90 days after the date of the certification
142 request; or

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

145 (b) If a certifying agency fails to respond within the

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146 statutory timeframe or refuses to certify that an applicant was
147 a victim of qualifying criminal activity, the applicant may
148 petition a circuit court to review the determination of the
149 certifying agency within 30 days after such determination or
150 within 30 days after the expiration of the statutory timeframe.

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

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

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

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

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

199 (12) A certifying agency shall:

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

203 (b) Develop written procedures for processing requests for

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certification under this section.

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

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