

# SOUTHWEST FLORIDA HUMAN TRAFFICKING RESPONSE PROTOCOL

*Reporting to Law Enforcement and Coordination of Services for Victims of Human Trafficking*

**Southwest Florida Regional Resource Center on  
Human Trafficking at Florida Gulf Coast University  
Southwest Florida Human Trafficking Task Force**

The Southwest Florida Regional Resource Center on Human Trafficking (the Center), established in 2014, operates through a joint partnership with The Women's Fund of Southwest Florida and Florida Gulf Coast University. The Center serves the Southwest Florida Human Trafficking Task Force which is led by the region's U.S. Attorney's Office located in Fort Myers, Florida. Through its involvement, the Center ensures that human trafficking is addressed in a coordinated manner throughout Southwest Florida.

# FOREWORD

The Southwest Florida Human Trafficking Task Force is a collaboration among local, state and federal agencies, non-profit NGOs, law enforcement agencies and programs that provide comprehensive services to victims of Human Trafficking.

1. If you become aware of an instance of human trafficking, either labor trafficking or sex trafficking, and you want to report this to law enforcement, or if you want to report suspicious behavior that you believe might involve human trafficking, please call one of the phone numbers listed below:
  - First Point of Contact – 911 (National Emergency Services): Dial 911
  - Second Point of Contact – National Human Trafficking Hotline (Polaris Project): Dial 1-888-373-7888 or text BeFree (233733)
  - Third Point of Contact – Southwest Florida Regional Resource Center on Human Trafficking at Florida Gulf Coast University: Dial (239) 745-4276.
  
2. If you would like information about human trafficking, please call one of the phone numbers listed below:
  - First Point of Contact – Southwest Florida Regional Resource Center on Human Trafficking at Florida Gulf Coast University: Dial (239) 745-4276.
  - Second Point of Contact – National Human Trafficking Hotline (Polaris Project): Dial 1-888-373-7888 or text BeFree (233733).

# ACKNOWLEDGMENTS

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# TABLE OF CONTENTS

## Contents

Mission Statements _____	1
Guiding Principles _____	2
Flow Chart for Referrals and Services _____	3
Agency Responses _____	4
Additional Responders _____	5
Description of Agency Responsibilities _____	6
Secondary Responders _____	8
Appendix I: Florida Statutes _____	9
Human Trafficking _____	9
Asset Forfeiture _____	12
Investigative Tools _____	12
Training for Law Enforcement _____	13
Safe Harbor _____	13
Prohibiting Prostitution and Related Acts _____	23
Release or Delivery from Custody _____	25
Victim Assistancs _____	25
Appendix II: Summary of Federal Laws _____	26
Appendic III: Terms _____	30
Appendix IV: Services for International Victims _____	32
Authorship Notes _____	34

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# MISSION STATEMENTS

The mission of the Regional Resource Center on Human Trafficking at Florida Gulf Coast University is to work towards the elimination of human trafficking by providing centralized resources and services that inform best practices in the region.

The USAO Human Trafficking Task Force is a collaboration among local, state and federal agencies, non-profit NGOs, law enforcement agencies and programs that provide comprehensive services to victims of Human Trafficking.

The collaborative efforts of both the USAO Trafficking Task Force and the Regional Resource Center on Human Trafficking at Florida Gulf Coast University seek to improve regional efforts against human trafficking by:

- Identifying and responding to victims of human trafficking;
  - Improving public awareness about the crime and educating all those who may come into contact with victims of human trafficking and how best to assist them;
  - Proactively investigate, apprehend and prosecute all individuals engaged in the crime of human trafficking;
  - Coordinating, streamlining and enhancing services for victims of human trafficking in the Southwest Florida region;
  - Developing effective responses to instances of human trafficking throughout the region.
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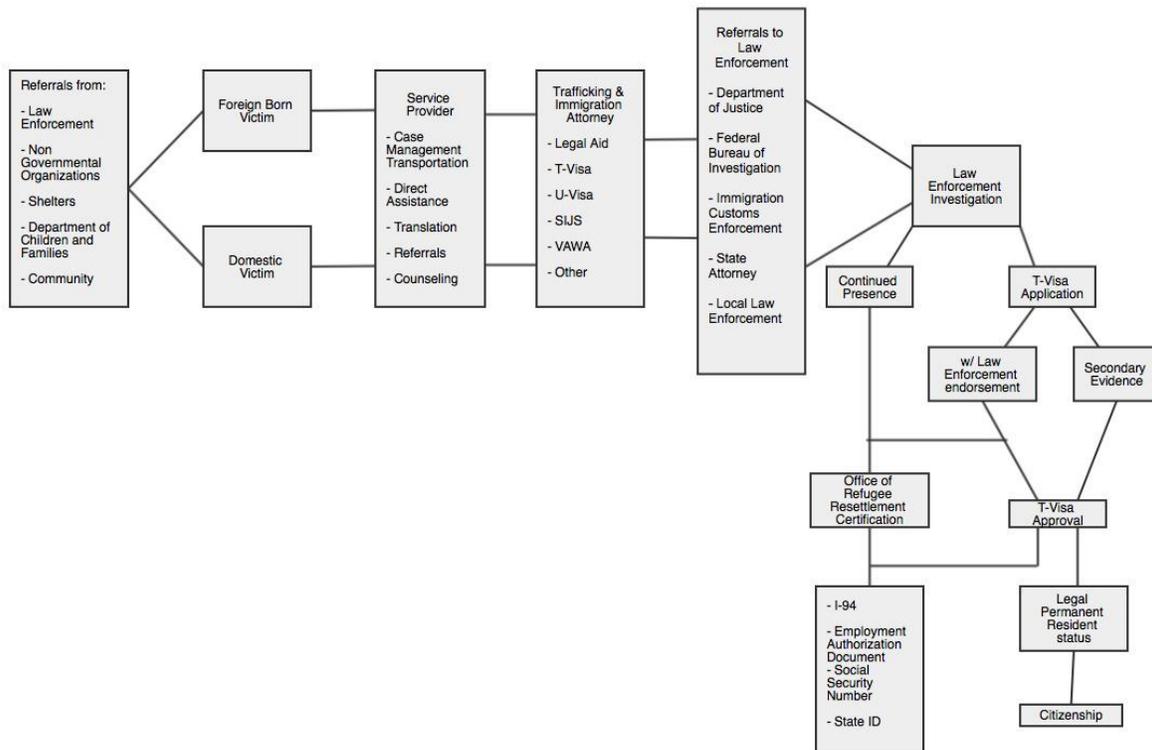
# GUIDING PRINCIPLES

This protocol delineates procedures for reporting cases of human trafficking to local, state and federal law enforcement agencies as well as service providers. This protocol is intended to be used by service providers, law enforcement, and members of the general public that feel they have information about potential human trafficking situations.

It is important to remember:

- Victims of human trafficking have the right to choose whether or not they wish to report to law enforcement as well as if they wish to receive services. There may be instances where reporting is mandated by law.
  - Victims of human trafficking do not need to report to law enforcement in order to receive assistance services. When there is no report to law enforcement, service providers may follow their own internal protocols for the delivery of services.
  - To ensure a full continuum of care for all victims of Human Trafficking it is important that local law enforcement is informed of all victim identifications and referrals that occur internally at a service provider agency. This ensures, that elements of protection and assistance that can only be provided by law enforcement are met, but also potential identification and rescue of further victims. This procedure will also fortify region wide collaboration and maintenance of accurate statistics.
  - Service providers are bound to applicable state and federal laws as well as their own internal policies and procedures. The task force encourages collaboration and coordination of services to victims, but is mindful of the different confidentiality laws that govern non-governmental organizations (NGOs). Victims should be informed and made aware of all of their service options and thus be allowed to determine which services they wish to access.
  - It is important that service providers not discuss the specifics of a criminal investigation with the victim. Service providers must be made aware that they may potentially be dealing with a criminal case, and that certain information given by a victim can be subpoenaed.
  - Non-English-speaking victims should have access to professional language interpreters in order to communicate about service options, in that manner ensuring that the victim is making an informed choice regarding the access of services. In the absence of a professional language interpreter, a telephonic interpretation service should be implemented. Payment for interpreter services is the responsibility of the service provider, unless there are other options.
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# FLOW CHART FOR REFERRALS AND SERVICES



# AGENCY RESPONSES

The following section describes the responses that the caller can expect from each of the primary response agencies.

## **911 (NATIONAL EMERGENCY SERVICES): ALL VICTIMS**

Dial 911 – This entails a local call from anywhere within the state of Florida, is free, and operates 24/7. It will be answered by a live telephone operator who will route the call to the appropriate law enforcement agency. When calling from a land line, you will automatically be referred to local law enforcement. When calling from a cellular phone, the caller will need to specify the city from which they are calling and the location to which law enforcement needs to be deployed. 911 is the number to dial for immediate response from law enforcement within your community.

## **NATIONAL HUMAN TRAFFICKING HOTLINE (POLARIS PROJECT): ALL VICTIMS**

Dial 1-888-373-7888 or text BeFree (233733) – The National Human Trafficking Resource Center operates the National Hotline. They will conduct an emergency trafficking assessment and make referrals for emergency victim services as well as interpreter services, etc. Members of the public, service providers, and victim can call the hotline to report a tip, get more information, or access local services.

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# ADDITIONAL RESPONDERS

## **DEPARTMENT OF CHILDREN AND FAMILIES ABUSE REPORTING HOTLINE: MINOR VICTIMS, ELDER VICTIMS AND VULNERABLE ADULTS.**

Dial 1-800-96-ABUSE – The Abuse Reporting Hotline is a centralized service for child abuse, neglect and exploitation of minors (anyone under the age of 18) and vulnerable adults.

## **DEPARTMENT OF JUVENILE JUSTICE (LEE AND COLLIER COUNTIES): MINOR VICTIMS.**

Dial (239) 338-2679 – The Department of Juvenile Justice will respond in conjunction with the Department of Children and Families in cases where the victim is a minor involved in the delinquency system.

## **HOMELAND SECURITY INVESTIGATIONS TIP HOTLINE: INTERNATIONAL VICTIMS.**

Dial 1-866-347-2423 – This number is for reporting possible trafficking situations with victims from other countries (either sex or labor trafficking). Callers will be given options to report a tip, add information to a previous tip, or request information.

## **NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN 24-HOUR HOTLINE: MINOR VICTIMS.**

Dial 1-800-843-5678 – The National Center for Missing and Exploited Children is a national center that gathers information about missing and exploited children for law enforcement's use. When calling them, all information will be forwarded to law enforcement for investigation and disposition.

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## DESCRIPTION OF AGENCY RESPONSIBILITIES

Local, state and federal law enforcement along with a prosecutor will confer to decide who will have jurisdiction over an identified case of human trafficking. Federal cases will be coordinated by the US Attorney's Office and services to victims will be coordinated by an identified agency. Local and state cases will be coordinated by the State Attorney's Office in the county in which the crime occurred (or the state-wide attorney's office). Victim's services will also be coordinated by an identified agency.

The Department of Homeland Security/Immigration and Customs Enforcement (ICE) have special agents that can assist with human trafficking investigations. When reporting a situation or a tip, speak to a duty agent, who will make a referral to the proper person. When appropriate, special agents can also assist local and state police with applications for Continued Presence on behalf of victims of human trafficking. Continued Presence is a temporary immigration status provided to victims of human trafficking to allow them to remain in the United States while the crime is being investigated. The Victim Assistance Coordinator is located in Miami and can be reached at (786) 229-3797.

State cases will be coordinated by the Florida Department of Law Enforcement as well as local law enforcement. Jurisdictions that are covered by sheriff's departments or municipal police departments will also provide assistance on human trafficking investigations.

When a victim is identified, or if an investigating officer believes that he or she may have a potential victim, law enforcement will notify the Regional Resource Center on Human Trafficking at Florida Gulf Coast University, who will help coordinate services for victims in the Southwest Florida region at (239) 677-6162 Monday-Friday from 9:00AM to 5:00PM or at (239) 745-4276 outside of those operating hours.

The US Attorney's Office, the State Attorney's Office and the involved federal, state and local law enforcement agencies have the authority to make relevant arrangements for identified victims either through the Center, identified victim service providers or the Florida Victim's Compensation Program, at their discretion. If the Department of

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## DESCRIPTION OF AGENCY RESPONSIBILITIES

Children and Families Abuse Reporting Hotline receives a call from someone who suspects that a minor has been or is currently a victim of sex trafficking, Department of Children and Families staff will follow the normal policies to determine the veracity of the report. In the case of an identified victim of minor sex trafficking, DCF will immediately notify the appropriate law enforcement agency in the area where the crime was committed and

begin a child abuse investigation. The Department of Children and Families will make all appropriate efforts to notify relevant law enforcement as appropriate that there is an issue of possible human trafficking. It is expected that law enforcement will coordinate their responses to this investigation.

If the Department of Children and Families Abuse Reporting Hotline receives a call from someone who suspects that a minor has been or is currently a victim of labor trafficking, Department of Children and Families staff will follow the normal policy to determine the veracity of the report. The Department of Children and Families will investigate the claim to determine the appropriate response and determine whether the victim is a child in need of services (CINS/FINS). The Department of Children and Families will make all appropriate efforts to report the situation to the appropriate law enforcement entities.

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## SECONDARY RESPONDERS

### **CATHOLIC CHARITIES DIOCESE OF VENICE, INC.**

Dial (239) 738-8722 – Services are available for victims of both sex and labor trafficking. These services include intensive case management, mental health counseling, direct assistance, transportation, etc. CCDOV can be reached 24 hours a day, 365 days a year. There are no restrictions as to the type of victims (minors/adults, domestic/foreign born) and services are available region-wide.

### **THE SHELTER FOR ABUSED WOMEN AND CHILDREN**

Dial (239) 775-1101 – Provides shelter services as well as assistance to victims of human trafficking who have experienced sexual violence, physical abuse, and emotional abuse. Length of stay at the shelter is determined on a case-by-case basis.

### **ABUSE COUNSELING AND TREATMENT, INC.**

Dial (239) 939-3112 – Provides shelter services as well as assistance to victims of human trafficking who have experienced sexual violence, physical abuse, and emotional abuse. Length of stay at the shelter is determined on a case-by-case basis. Abuse Counseling and Treatment, Inc. also offers case management assistance to foreign born victims of trafficking.

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# APPENDIX I: FLORIDA STATUTES

## HUMAN TRAFFICKING

§787.06 Human trafficking.

As used in this section, the term:

(a) "Coercion" means:

1. Using or threatening to use physical force against any person;
2. Restraining, isolating, or confining or threatening to restrain, isolate, or confine any person without lawful authority and against her or his will;
3. Using lending or other credit methods to establish a debt by any person when labor or services are pledged as a security for the debt, if the value of the labor or services as reasonably assessed is not applied toward the liquidation of the debt, the length and nature of the labor or services are not respectively limited and defined;
4. Destroying, concealing, removing, confiscating, withholding, or possessing any actual or purported passport, visa, or other immigration document, or any other actual or purported government identification document, of any person;
5. Causing or threatening to cause financial harm to any person;
6. Enticing or luring any person by fraud or deceit; or
7. Providing a controlled substance as outlined in Schedule I or Schedule II of s. 893.03 to any person for the purpose of exploitation of that person.

(b) "Commercial sexual activity" means any violation of chapter 796 or an attempt to commit any such offense, and includes sexually explicit performances and the production of pornography.

(c) "Financial harm" includes extortionate extension of credit, loan sharking as defined in s. 687.071, or employment contracts that violate the statute of frauds as provided in s. 725.01.

(d) "Human trafficking" means transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining another person for the purpose of exploitation of that person.

(e) "Labor" means work of economic or financial value.

(f) "Maintain" means, in relation to labor or services, to secure or make possible

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## APPENDIX I: FLORIDA STATUTES

continued performance thereof, regardless of any initial agreement on the part of the victim to perform such type service.

(g) "Obtain" means, in relation to labor or services, to secure performance thereof.

(h) "Services" means any act committed at the behest of, under the supervision of, or for the benefit of another. The term includes, but is not limited to, forced marriage, servitude, or the removal of organs.

(i) "Sexually explicit performance" means an act or show, whether public or private, that is live, photographed, recorded, or videotaped and intended to arouse or satisfy the sexual desires or appeal to the prurient interest.

(j) "Unauthorized alien" means an alien who is not authorized under federal law to be employed in the United States, as provided in 8 U.S.C. s. 1324a(h)(3). The term shall be interpreted consistently with that section and any applicable federal rules or regulations.

(k) "Venture" means any group of two or more individuals associated in fact, whether or not a legal entity.

Any person who knowingly, or in reckless disregard of the facts, engages in, or attempts to engage in, or benefits financially by receiving anything of value from participation in a venture that has subjected a person to human trafficking:

(a) Using coercion for labor or services commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Using coercion for commercial sexual activity commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Using coercion for labor or services of any individual who is an unauthorized alien commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) Using coercion for commercial sexual activity of any individual who is an unauthorized alien commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(e) Using coercion for labor or services who does so by the transfer or transport of

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## APPENDIX I: FLORIDA STATUTES

any individual from outside this state to within the state commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(f) Using coercion for commercial sexual activity who does so by the transfer or transport of any individual from outside this state to within the state commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(g) For commercial sexual activity in which any child under the age of 18 is involved commits a felony of the first degree, punishable by imprisonment for a term of years not exceeding life, or as provided in s. 775.082, s. 775.083, or s. 775.084. In a prosecution under this paragraph in which the defendant had a reasonable opportunity to observe the person who was subject to human trafficking, the state need not prove that the defendant knew that the person had not attained the age of 18 years.

(h) For commercial sexual activity in which any child under the age of 15 is involved commits a life felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In a prosecution under this paragraph in which the defendant had a reasonable opportunity to observe the person who was subject to human trafficking, the state need not prove that the defendant knew that the person had not attained the age of 15 years.

For each instance of human trafficking of any individual under this subsection, a separate crime is committed and a separate punishment is authorized.

Any parent, legal guardian, or other person having custody or control of a minor who sells or otherwise transfers custody or control of such minor, or offers to sell or otherwise transfer custody of such minor, with knowledge or in reckless disregard of the fact that, as a consequence of the sale or transfer, the minor will be subject to human trafficking commits a first degree felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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# APPENDIX I: FLORIDA STATUTES

## ASSET FORFEITURE

### §787.06 Human trafficking.

(7) Any real property or personal property that was used, attempted to be used, or intended to be used in violation of any provision of this section may be seized and shall be forfeited subject to the provisions of the Florida Contraband Forfeiture Act.

## INVESTIGATIVE TOOLS

### §895.02. Definitions

(1) “Racketeering activity” means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime that is chargeable by petition, indictment, or information under the following provisions of the Florida Statutes:

26. Chapter 787, relating to kidnapping or human trafficking.

### §934.07. Authorization for interception of wire, oral, or electronic communications

(1) The Governor, the Attorney General, the statewide prosecutor, or any state attorney may authorize an application to a judge of competent jurisdiction for, and such judge may grant in conformity with ss. 934.03–934.09 an order authorizing or approving the interception of, wire, oral, or electronic communications by:

(a) The Department of Law Enforcement or any law enforcement agency as defined in s. 934.02 having responsibility for the investigation of the offense as to which the application is made when such interception may provide or has provided evidence of the commission of the offense of murder, kidnapping, aircraft piracy, arson, gambling, robbery, burglary, theft, dealing in stolen property, criminal usury, bribery, or extortion; any felony violation of ss. 790.161–790.166, inclusive; any violation of s. 787.06, any violation of chapter 893; any violation of the provisions of the Florida Anti-Fencing Act; any violation of chapter 895; any violation of chapter 896; any violation of chapter 815; any violation of chapter 847; any violation of s. 827.071; any violation of s. 944.40; or any conspiracy or solicitation to commit any

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# APPENDIX I: FLORIDA STATUTES

violation of the laws of this state relating to the crimes specifically enumerated in this paragraph.

## TRAINING FOR LAW ENFORCEMENT

§787.06 Human trafficking.

(4) The Criminal Justice Standards and Training Commission shall establish standards for basic and advanced training programs for law enforcement officers in the subjects of investigating and preventing human trafficking crimes. After January 1, 2007, every basic skills course required for law enforcement officers to obtain initial certification must include training on human trafficking crime prevention and investigation.

(5) Each state attorney shall develop standards of instruction for prosecutors to receive training on the investigation and prosecution of human trafficking crimes and shall provide for periodic and timely instruction.

## SAFE HARBOR

HB99 (2012)

(a) The Legislature recognizes that child sexual exploitation is a serious problem nationwide and in this state. The children at greatest risk of being sexually exploited are runaways and throwaways. Many of these children have a history of abuse and neglect. The vulnerability of these children starts with isolation from family and friends. Traffickers maintain control of child victims through psychological manipulation, force, drug addiction, or the exploitation of economic, physical, or emotional vulnerability. Children exploited through the sex trade often find it difficult to trust adults because of their abusive experiences. These children make up a population that is difficult to serve and even more difficult to rehabilitate.

(b) The Legislature establishes the following goals for the state related to the status and treatment of sexually exploited children in the dependency process:

1. To ensure the safety of children.
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## APPENDIX I: FLORIDA STATUTES

2. To provide for the treatment of such children as dependent children rather than as delinquents.

3. To sever the bond between exploited children and traffickers and to reunite these children with their families or provide them with appropriate guardians.

4. To enable such children to be willing and reliable witnesses in the prosecution of traffickers.

(c) The Legislature finds that sexually exploited children need special care and services in the dependency process, including counseling, health care, substance abuse treatment, educational opportunities, and a safe environment secure from traffickers.

(d) The Legislature further finds that sexually exploited children need the special care and services described in paragraph (c) independent of their citizenship, residency, alien, or immigrant status. It is the intent of the Legislature that this state provide such care and services to all sexually exploited children in this state who are not otherwise receiving comparable services, such as those under the federal Trafficking Victims Protection Act, 22 U.S.C. ss. 7101 et seq.

### (8) OFFICE OF ADOPTION AND CHILD PROTECTION.

(c) The office is authorized and directed to:

1. Oversee the preparation and implementation of the state plan established under subsection (9) and revise and update the state plan as necessary.

2. Provide for or make available continuing professional education and training in the prevention of child abuse and neglect.

3. Work to secure funding in the form of appropriations, gifts, and grants from the state, the Federal Government, and other public and private sources in order to ensure that sufficient funds are available for the promotion of adoption, support of adoptive families, and child abuse prevention efforts.

4. Make recommendations pertaining to agreements or contracts for the establishment and development of:

a. Programs and services for the promotion of adoption, support of adoptive families, and prevention of child abuse and neglect.

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## APPENDIX I: FLORIDA STATUTES

- b. Training programs for the prevention of child abuse and neglect.
  - c. Multidisciplinary and discipline-specific training programs for professionals with responsibilities affecting children, young adults, and families.
  - d. Efforts to promote adoption.
  - e. Post adoptive services to support adoptive families.
5. Monitor, evaluate, and review the development and quality of local and statewide services and programs for the promotion of adoption, support of adoptive families, and prevention of child abuse and neglect and shall publish and distribute an annual report of its findings on or before January 1 of each year to the Governor, the Speaker of the House of Representatives, the President of the Senate, the head of each state agency affected by the report, and the appropriate substantive committees of the Legislature. The report shall include:
- a. A summary of the activities of the office.
  - b. A summary of the adoption data collected and reported to the federal Adoption and Foster Care Analysis and Reporting System (AFCARS) and the federal Administration for Children and Families.
  - c. A summary of the child abuse prevention data collected and reported to the National Child Abuse and Neglect Data System (NCANDS) and the federal Administration for Children and Families.
  - d. A summary detailing the timeliness of the adoption process for children adopted from within the child welfare system.
  - e. Recommendations, by state agency, for the further development and improvement of services and programs for the promotion of adoption, support of adoptive families, and prevention of child abuse and neglect.
  - f. Budget requests, adoption promotion and support needs, and child abuse prevention program needs by state agency.
6. Work with the direct-support organization established under s. 39.0011 to receive financial assistance.
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# APPENDIX I: FLORIDA STATUTES

## (10) FUNDING AND SUBSEQUENT PLANS

(b) The office and the other agencies and organizations listed in paragraph (9)(a) shall readdress the state plan and make necessary revisions every 5 years, at a minimum. Such revisions shall be submitted to the Speaker of the House of Representatives and the President of the Senate no later than June 30 of each year divisible by 5. At least biennially, the office shall review the state plan and make any necessary revisions based on changing needs and program evaluation results. An annual progress report shall be submitted to update the state plan in the years between the 5-year intervals. In order to avoid duplication of effort, these required plans may be made a part of or merged with other plans required by either the state or Federal Government, so long as the portions of the other state or Federal Government plan that constitute the state plan for the promotion of adoption, support of adoptive families, and prevention of child abuse, abandonment, and neglect are clearly identified as such and are provided to the Speaker of the House of Representatives and the President of the Senate as required above.

## § 39.01 Definitions.

When used in this chapter, unless the context otherwise requires:

(2) “Abuse” means any willful act or threatened act that results in any physical, mental, or sexual abuse, injury, or harm that causes or is likely to cause the child’s physical, mental, or emotional health to be significantly impaired. Abuse of a child includes acts or omissions. Corporal discipline of a child by a parent or legal custodian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child.

(15) “Child who is found to be dependent” means a child who, pursuant to this chapter, is found by the court:

(a) To have been abandoned, abused, or neglected by the child’s parent or parents or legal custodians;

(b) To have been surrendered to the department, the former Department of Health and Rehabilitative Services, or a licensed child-placing agency for purpose of

## APPENDIX I: FLORIDA STATUTES

adoption;

(c) To have been voluntarily placed with a licensed child-caring agency, a licensed child-placing agency, an adult relative, the department, or the former Department of Health and Rehabilitative Services, after which placement, under the requirements of this chapter, a case plan has expired and the parent or parents or legal custodians have failed to substantially comply with the requirements of the plan;

(d) To have been voluntarily placed with a licensed child-placing agency for the purposes of subsequent adoption, and a parent or parents have signed a consent pursuant to the Florida Rules of Juvenile Procedure;

(e) To have no parent or legal custodians capable of providing supervision and care; or

(f) To be at substantial risk of imminent abuse, abandonment, or neglect by the parent or parents or legal custodians; or

(g) To have been sexually exploited and to have no parent, legal custodian, or responsible adult relative currently known and capable of providing the necessary and appropriate supervision and care.

(67) "Sexual abuse of a child" for purposes of finding a child to be dependent means one or more of the following acts:

(a) Any penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is the emission of semen.

(b) Any sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person.

(c) Any intrusion by one person into the genitals or anal opening of another person, including the use of any object for this purpose, except that this does not include any act intended for a valid medical purpose.

(d) The intentional touching of the genitals or intimate parts, including the breasts, genital area, groin, inner thighs, and buttocks, or the clothing covering them, of either the child or the perpetrator, except that this does not include:

1. Any act which may reasonably be construed to be a normal caregiver
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## APPENDIX I: FLORIDA STATUTES

responsibility, any interaction with, or affection for a child; or

2. Any act intended for a valid medical purpose.

(e) The intentional masturbation of the perpetrator's genitals in the presence of a child.

(f) The intentional exposure of the perpetrator's genitals in the presence of a child, or any other sexual act intentionally perpetrated in the presence of a child, if such exposure or sexual act is for the purpose of sexual arousal or gratification, aggression, degradation, or other similar purpose.

(g) The sexual exploitation of a child, which includes the act of a child offering to engage in or engaging in prostitution, provided that the child is not under arrest or is not being prosecuted in a delinquency or criminal proceeding for a violation of any offense in chapter 796 based on such behavior; or allowing, encouraging, or forcing a child to:

1. Solicit for or engage in prostitution;
2. Engage in a sexual performance, as defined by chapter 827; or
3. Participate in the trade of sex trafficking as provided in s. 796.035.

§39.401 Taking a child alleged to be dependent into custody; law enforcement officers and authorized agents of the department.

(2) If the law enforcement officer takes the child into custody, that officer shall:

(b) Deliver the child to an authorized agent of the department, stating the facts by reason of which the child was taken into custody and sufficient information to establish probable cause that the child is abandoned, abused, or neglected, or otherwise dependent. For such a child for whom there is also probable cause to believe he or she has been sexually exploited, the law enforcement officer shall deliver the child to the department. The department may place the child in an appropriate short-term safe house as provided for in s. 409.1678 if a short-term safe house is available. For cases involving allegations of abandonment, abuse, or neglect, or other dependency cases, within 3 days after such release or within 3 days after delivering the child to an authorized agent of the department, the law enforcement officer who

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## APPENDIX I: FLORIDA STATUTES

took the child into custody shall make a full written report to the department.

(3) If the child is taken into custody by, or is delivered to, an authorized agent of the department, the agent shall review the facts supporting the removal with an attorney representing the department. The purpose of the review is to determine whether there is probable cause for the filing of a shelter petition.

(b) If the facts are sufficient and the child has not been returned to the custody of the parent or legal custodian, the department shall file the petition and schedule a hearing, and the attorney representing the department shall request that a shelter hearing be held within 24 hours after the removal of the child. While awaiting the shelter hearing, the authorized agent of the department may place the child in licensed shelter care, or in a short-term safe house if the child is a sexually exploited child, or may release the child to a parent or legal custodian or responsible adult relative or the adoptive parent of the child's sibling who shall be given priority consideration over a licensed placement, or a responsible adult approved by the department if this is in the best interests of the child. Placement of a child which is not in a licensed shelter must be preceded by a criminal history records check as required under s. 39.0138. In addition, the department may authorize placement of a housekeeper/homemaker in the home of a child alleged to be dependent until the parent or legal custodian assumes care of the child.

§ 39.524 Safe harbor placement.

(1) Except as provided in s. 39.407 or s. 985.801, a dependent child 6 years of age or older who has been found to be a victim of sexual exploitation as defined in s. 39.01(67)(g) must be assessed for placement in a safe house as provided in s. 409.1678. The assessment shall be conducted by the department or its agent and shall incorporate and address current and historical information from any law enforcement reports; psychological testing or evaluation that has occurred; current and historical information from the guardian ad litem, if one has been assigned; current and historical information from any current therapist, teacher, or other professional who has knowledge of the child and has worked with the child; and any other information

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## APPENDIX I: FLORIDA STATUTES

concerning the availability and suitability of safe-house placement. If such placement is determined to be appropriate as a result of this assessment, the child may be placed in a safe house, if one is available. As used in this section, the term —available‖ as it relates to a placement means a placement that is located within the circuit or otherwise reasonably accessible.

(2) The results of the assessment described in subsection (1) and the actions taken as a result of the assessment must be included in the next judicial review of the child. At each subsequent judicial review, the court must be advised in writing of the status of the child’s placement, with special reference regarding the stability of the placement and the permanency planning for the child.

(3)(a) By December 1 of each year, the department shall report to the Legislature on the placement of children in safe houses during the year, including the criteria used to determine the placement of children, the number of children who were evaluated for placement, the number of children who were placed based upon the evaluation, and the number of children who were not placed.

(3)(b) The department shall maintain data specifying the number of children who were referred to a safe house for whom placement was unavailable and the counties in which such placement was unavailable. The department shall include this data in its report under this subsection so that the Legislature may consider this information in developing the General Appropriations Act.

§ 409.1678 Safe harbor for children who are victims of sexual exploitation.

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

(a) “Child advocate” means an employee of a short-term safe house who has been trained to work with and advocate for the needs of sexually exploited children. The advocate shall accompany the child to all court appearances, meetings with law enforcement officials, and the state attorney’s office and shall serve as a liaison between the short-term safe house and the court.

(b) “Safe house” means a living environment that has set aside gender-specific, separate, and distinct living quarters for sexually exploited children who have been

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## APPENDIX I: FLORIDA STATUTES

adjudicated dependent or delinquent and need to reside in a secure residential facility with staff members who are awake 24 hours a day. A safe house shall be operated by a licensed family foster home or residential child-caring agency as defined in s. 409.175, including a runaway youth center as defined in s. 409.441. Each facility must be appropriately licensed in this state as a residential child-caring agency as defined in s. 409.175 and must have applied for accreditation within 1 year after being licensed. A safe house serving children who have been sexually exploited must have available staff or contract personnel who have the clinical expertise, credentials, and training to provide services identified in paragraph (2)(b).

(c) “Secure” means that a facility providing services is supervised 24 hours a day by staff members who are awake while on duty.

(d) “Sexually exploited child” means a dependent child who has suffered sexual exploitation as defined in s. 39.01(67)(g) and is ineligible for relief and benefits under the federal Trafficking Victims Protection Act, 22 U.S.C. ss. 7101 et seq.

(e) “Short-term safe house” means a shelter operated by a licensed residential child-caring agency as defined in s. 409.175, including a runaway youth center as defined in s. 409.441, that has set aside gender-specific, separate, and distinct living quarters for sexually exploited children. In addition to shelter, the house shall provide services and care to sexually exploited children, including food, clothing, medical care, counseling, and appropriate crisis-intervention services at the time they are taken into custody by law enforcement officials or department personnel.

(2)(a) Notwithstanding any other provision of law, pursuant to rules of the department, each circuit of the department shall address the child welfare service needs of sexually exploited children as a component of the circuit’s master plan. This determination shall be made in consultation with local law enforcement officials, runaway and homeless youth program providers, local probation departments, local community-based care and social services, local guardians ad litem, public defenders, state attorney’s offices, and child advocates and services providers who work directly with sexually exploited youth.

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## APPENDIX I: FLORIDA STATUTES

(2)(b) The lead agency, not-for-profit agency, or local governmental entity providing safe-house services is responsible for security, crisis-intervention services, general counseling and victim-witness counseling, a comprehensive assessment, residential care, transportation, access to behavioral health services, recreational activities, food, clothing, supplies, infant care, and miscellaneous expenses associated with caring for these children; for necessary arrangement for or provision of educational services, including life skills services and planning services for the successful transition of residents back to the community; and for ensuring necessary and appropriate health care and dental care.

(2)(c) This section does not prohibit any provider of these services from appropriately billing Medicaid for services rendered, from contracting with a local school district for educational services, or from obtaining federal or local funding for services provided, as long as two or more funding sources do not pay for the same specific service that has been provided to a child.

(2)(d) The lead agency, not-for-profit agency, or local governmental entity providing safe-house services has the legal authority for children served in a safe-house program, as provided in chapter 39 or this chapter, as appropriate, to enroll the child in school, to sign for a driver license for the child, to cosign loans and insurance for the child, to sign for medical treatment of the child, and to authorize other such activities.

(2)(e) All of the services specified in this section may, to the extent possible provided by law and with funding authorized, be available to all sexually exploited children whether they are accessed voluntarily, as a condition of probation, through a diversion program, through a proceeding under chapter 39, or through a referral from a local community-based care or social service agency.

(3) The local circuit administrator may, to the extent that funds are available, in conjunction with local law enforcement officials, contract with an appropriate not-for-profit agency having experience working with sexually exploited children to train law enforcement officials who are likely to encounter sexually exploited children in the course of their law enforcement duties on the provisions of this section and how to

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## APPENDIX I: FLORIDA STATUTES

identify and obtain appropriate services for sexually exploited children. Circuits may work cooperatively to provide such training, and such training may be provided on a regional basis. The department shall assist circuits in obtaining any available funds for the purposes of conducting law enforcement training from the Office of Juvenile Justice and Delinquency Prevention of the United States Department of Justice.

(4) The department may adopt rules necessary to administer this section.

### PROHIBITING PROSTITUTION AND RELATED ACTS

#### §796.07 Prohibiting prostitution and related acts

(1) As used in this section:

(a) “Prostitution” means the giving or receiving of the body for sexual activity for hire but excludes sexual activity between spouses.

(b) “Lewdness” means any indecent or obscene act.

(c) “Assignment” means the making of any appointment or engagement for prostitution or lewdness, or any act in furtherance of such appointment or engagement.

(d) “Sexual activity” means oral, anal, or vaginal penetration by, or union with, the sexual organ of another; anal or vaginal penetration of another by any other object; or the handling or fondling of the sexual organ of another for the purpose of masturbation; however, the term does not include acts done for bona fide medical purposes.

(2) It is unlawful:

(a) To own, establish, maintain, or operate any place, structure, building, or conveyance for the purpose of lewdness, assignment, or prostitution.

(b) To offer, or to offer or agree to secure, another for the purpose of prostitution or for any other lewd or indecent act.

(c) To receive, or to offer or agree to receive, any person into any place, structure, building, or conveyance for the purpose of prostitution, lewdness, or assignment, or to permit any person to remain there for such purpose.

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## APPENDIX I: FLORIDA STATUTES

(d) To direct, take, or transport, or to offer or agree to direct, take, or transport, any person to any place, structure, or building, or to any other person, with knowledge or reasonable cause to believe that the purpose of such directing, taking, or transporting is prostitution, lewdness, or assignation.

(e) To offer to commit, or to commit, or to engage in, prostitution, lewdness, or assignation.

(f) To solicit, induce, entice, or procure another to commit prostitution, lewdness, or assignation.

(g) To reside in, enter, or remain in, any place, structure, or building, or to enter or remain in any conveyance, for the purpose of prostitution, lewdness, or assignation.

(h) To aid, abet, or participate in any of the acts or things enumerated in this subsection.

(i) To purchase the services of any person engaged in prostitution.

(3)(a) In the trial of a person charged with a violation of this section, testimony concerning the reputation of any place, structure, building, or conveyance involved in the charge, testimony concerning the reputation of any person residing in, operating, or frequenting such place, structure, building, or conveyance, and testimony concerning the reputation of the defendant is admissible in evidence in support of the charge.

(3)(b) Notwithstanding any other provision of law, a police officer may testify as an offended party in an action regarding charges filed pursuant to this section.

(4) A person who violates any provision of this section commits:

(a) A misdemeanor of the second degree for a first violation, punishable as provided in s. 775.082 or s. 775.083.

(b) A misdemeanor of the first degree for a second violation, punishable as provided in s. 775.082 or s. 775.083.

(c) A felony of the third degree for a third or subsequent violation, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) A person who is charged with a third or subsequent violation of this section shall

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# APPENDIX I: FLORIDA STATUTES

be offered admission to a pretrial intervention program or a substance-abuse treatment program as provided in s. 948.08.

(6) A person who violates paragraph (2)(f) shall be assessed a civil penalty of \$5,000 if the violation results in any judicial disposition other than acquittal or dismissal. Of the proceeds from each penalty assessed under this subsection, the first \$500 shall be paid to the circuit court administrator for the sole purpose of paying the administrative costs of treatment-based drug court programs provided under s. 397.334. The remainder of the penalty assessed shall be deposited in the Operations and Maintenance Trust Fund of the Department of Children and Family Services for the sole purpose of funding safe houses and short-term safe houses as provided in s. 409.1678.

## RELEASE OR DELIVERY FROM CUSTODY

§985.115 Release or delivery from custody.

(2) Unless otherwise ordered by the court under s. 985.255 or s. 985.26, and unless there is a need to hold the child, a person taking a child into custody shall attempt to release the child as follows:(b) Contingent upon specific appropriation, to a shelter approved by the department or to an authorized agent or short-term safe house under s. 39.401(2)(b).

## VICTIM ASSISTANCE

§ 409.9531. Services to immigrant survivors of human trafficking, domestic violence, and other serious crimes.

The Department of Children and Family Services shall establish a structure by which the department shall:

(1) Provide services to immigrant survivors of human trafficking, domestic violence, and other serious crimes, during the interim period between the time the survivor applies for a visa and receives such visa from the United States Department of Homeland Security or receives certification from the United States Department of

# APPENDIX I: FLORIDA STATUTES

Health and Human Services.

(2) Ensure that immigrant survivors of serious crimes are eligible to receive existing state and local benefits and services to the same extent that refugees receive those benefits and services.

(3) Ensure that immigrant survivors of serious crimes have access to state-funded services that are equivalent to the federal programs that provide cash, medical services, and social service for refugees.

(4) Provide survivors of serious crimes with medical care, mental health care, and basic assistance in order to help them secure housing, food, and supportive services.

(5) Create a state-funded component of the cash, medical, and social services programs for refugees for the purpose of serving immigrant survivors during the temporary period while they wait for federal processing to be completed.

(6) Provide that a sworn statement by a survivor is sufficient evidence for the purposes of determining eligibility if that statement is supported by at least one item of additional evidence, including, but not limited to:

(a) Police and court records;

(b) News articles;

(c) Documentation from a professional agency;

(d) Physical evidence; or

(e) A statement from an individual having knowledge of the circumstances providing the basis for the claim.

(7) Develop a public awareness program for employers and other organizations that may come into contact with immigrant survivors of human trafficking in order to provide education and raise awareness of the problem.

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## APPENDIX II: SUMMARY OF FEDERAL LAWS

### TRAFFICKING VICTIMS PROTECTION ACT OF 2000

The Trafficking Victims Protection Act (TVPA) of 2000 is the cornerstone of Federal human trafficking legislation, and established several methods of prosecuting traffickers, preventing human trafficking, and protecting victims and survivors of trafficking. The act establishes human trafficking and related offenses as federal crimes, and attaches severe penalties to them. It also mandates restitution be paid to victims of human trafficking. It further works to prevent trafficking by establishing the Office to Monitor and Combat Trafficking in Persons, which is required to publish a the Trafficking In Persons (TIP) report each year. The TIP report describes and ranks the efforts of countries to combat human trafficking. The act also established the Interagency Task Force to Monitor and Combat Trafficking, which assists in the implementation of the TVPA. The TVPA protects victims and survivors of human trafficking by establishing the T visa, which allows victims of human trafficking, and their families to become temporary U.S. residents and eligible to become permanent residents after three years.

### TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2003

The Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA of 2003) established a federal, civil right of action for trafficking victims to sue their traffickers. It also added human trafficking to the list of crimes that can be charged under the Racketeering Influenced Corrupt Organizations (RICO) statute. It also included additional provisions for protection of victims and their families from deportation, and a requirement that the Attorney General report to Congress annually on the activities of the U.S. government in the fight against trafficking.

### TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2005

The Trafficking Victims Protection Reauthorization Act of 2005 (TVPRA of 2005) included a pilot program for sheltering minors who are survivors of human trafficking, and grant programs to assist state and local law enforcement combat

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## APPENDIX II: SUMMARY OF FEDERAL LAWS

trafficking. It also expanded measures to combat trafficking internationally, including provisions to fight sex tourism, a \$5 million pilot program for treatment of trafficking victims abroad, and a strengthening of the regulation over government contracts to ensure they are not made with individuals or organizations that promote or engage in human trafficking.

### TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2008

The Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA of 2008) included several new prevention strategies, including requirements that the government provide information about workers' rights to all people applying for work and education-based visas. It also put in place new systems to gather and report human trafficking data. In addition to the prevention strategies, the 2008 reauthorization expanded the protections available with the T visa, and required that all unaccompanied alien children be screened as potential victims of human trafficking. This reauthorization also enhanced criminal sanctions against traffickers, and expanded definitions of various types of trafficking to make prosecution easier.

### TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2013

The Trafficking Victims Protection Reauthorization Act of 2013 (TVPRA 2013), which was passed as an amendment to the Violence Against Women Act, establishes and strengthens programs to ensure that U.S. citizens do not purchase products made by victims of human trafficking, and to prevent child marriage. It also puts into place emergency response provisions within the State Department to respond quickly to disaster areas and crises where people are particularly susceptible to being trafficked. The reauthorization also strengthens collaboration with state and local law enforcement to ease charging and prosecuting traffickers.

### THE TARIFF ACT OF 1930

The Tariff Act of 1930 prohibits importing goods made with forced or indentured labor.

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## APPENDIX II: SUMMARY OF FEDERAL LAWS

### THE CUSTOMS AND FACILITATIONS AND TRADE ENFORCEMENT ACT (2009)

The Customs and Facilitations and Trade Enforcement Act amended the prohibition on importing goods made with slave or indentured labor to include goods that made through the use of coercion or goods made by victims of human trafficking.

### THE RACKETEERING INFLUENCED CORRUPT ORGANIZATIONS ACT (RICO)

RICO was created to be a tool for the federal government to more effectively prosecute members of organized crime for racketeering offenses. Federal human trafficking offenses are included as racketeering offenses, thus giving law enforcement a powerful tool when prosecuting traffickers.

### THE MANN ACT

The Mann Act of 1910, (18 U.S.C. § 2421-2424) as amended in 1978 and again in 1986, criminalizes the transportation of minors, and the coercion of adults to travel across state lines or to foreign countries, for the purposes of engaging commercial sex. Both crimes are punishable with up to twenty years in prison, with enhanced punishment options for the transportation of a minor.

### THE PROTECT ACT

The Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today (PROTECT) Act of 2003, established enhanced penalties for individuals engaging in sex tourism with children, both within the United States and in other countries; The Amber Alert System and other methods of alerting the public to missing, exploited, and abducted children; and grants for transitional housing for child victims of sexual assault.

### NATIONAL DEFENSE AUTHORIZATION ACT OF 2013

Sections 1701-1708 of the National Defense Authorization Act seeks limit human trafficking associated with government contractors. These sections give governmental agencies the ability to terminate, without penalty, any contract or grant with any

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## APPENDIX II: SUMMARY OF FEDERAL LAWS

organization or individual that engages in human trafficking. It also requires that all grants and contracts worth more than \$500,000, have a written certification that no party in the transaction will engage in or support human trafficking practices. It also establishes methods of reporting and investigating possible instances of human trafficking associated with government contracts and grants.

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## APPENDIX III: TERMS

**Confidentiality:** Ensuring that information is accessible only to those individuals or parties that are authorized to have access to it. Some types of communication between a person and a professional are privileged and may not be discussed or divulged to third parties.

Victim advocates and service providers have evidentiary privilege. However, there are certain advocates and professionals who do not have evidentiary privilege. Victims who speak to these advocates and professionals should be made aware that parts of their conversations may not be kept confidential, as is the case for exculpatory information, meaning that this information is required to be shared with those involved in the criminal justice process.

**Informed Consent:** Can be given by the individual based upon a clear understanding and appreciation of the facts, implications, and future consequences of an action. The individual must have adequate reasoning faculties and be in possession of all relevant facts at the time that consent is given. Every service provider that speaks with a potential or possible victim must make sure to fully explain the service options available to the individual, and the level of confidentiality that the person can expect from each interaction.

**Mandated Reporters:** Some service providers are mandated reporters of abuse. If you work in one of the professions listed below, you are a mandated reporter. This means that when you suspect that a child may have been abused or neglected, you are required by law to report your suspicions to the Department of Children and Families within 24 hours.

- Emergency medical personnel, Licensed Practicing Nurse, Medical Examiner, mental health professional, pharmacist, physician, physician's assistant, psychologist, Registered Nurse, or any other health care provider;
  - Hospital administrator, intern, or resident physician in any hospital within the state of Florida;
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## APPENDIX III: TERMS

- School guidance counselor, principal, superintendent, teacher, or any other individual regularly employed by a school district;
- Child care worker, police officer, probation officer, social worker, or a member of the clergy;
- Residential and non-residential camp administrator, counselor or owner;
- Employee, contractor, or grantee of a human service agency who has contact with human trafficking victims.

As a mandated reporter, you are legally responsible for making sure a report is made within 24 hours. To make a report, call the Department of Children and Family Abuse Hotline at 1-800-96-ABUSE. A social worker will ask you questions about the situation, record the information you provide, and in some cases ask you to provide further information. Try to have as much information on hand as possible, including but not limited to the name of the child's parents or caretakers, the child's name, date of birth, home address, school or child care facility as well as the nature and extent of the injuries as well as the alleged abuse/neglect. If you are unsure whether a report is warranted, please call the Department of Children and Families for guidance.

The HIPAA Privacy Rule allows covered agencies to disclose protected information to report known or suspected child abuse, if the report is made to a government authority, authorized by the law to receive such reports. Florida law provides you with immunity from civil or criminal liability as long as your report was made in good faith.

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## APPENDIX IV: SERVICES FOR INTERNATIONAL VICTIMS

### U-VISA

#### Eligibility Requirements:

- (1) The applicant has been a victim of a "designated crime" (including rape, torture, incest, trafficking, domestic violence, sexual assault, abusive sexual conduct, prostitution, sexual exploitation, female genital mutilation, being held hostage, peonage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, blackmail, extortion, manslaughter, murder, felonious assault, witness tampering, obstruction of justice, perjury, or the attempt, conspiracy, or solicitation to commit any of the above-mentioned crimes, or any similar activity in violation of federal, state, or local criminal law);
- (2) The applicant has suffered substantial physical or mental abuse as a result of the crime;
- (3) The applicant possesses information concerning that criminal activity;
- (4) The applicant has been helpful, is being helpful, or is likely to be helpful in the investigation or prosecution of the criminal activity;
- (5) The applicant has a certification from a federal, state, or local law enforcement authority;
- (6) The criminal activity violated the laws of the United States or occurred in the United States.

### TRAFFICKING VISA (T-VISA)

#### Eligibility Requirements:

- (1) Individuals who have been the victims of severe forms of trafficking in persons, defined as:
    - (a) sex trafficking, in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform the act is under 18 years of age; or
    - (b) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
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## APPENDIX IV: SERVICES FOR INTERNATIONAL VICTIMS

(2) who are physically present in the United States on account of such trafficking;  
and

(3) who have complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking, or who have not attained 18 years of age; and

(4) who would experience extreme hardship involving unusual and severe harm upon removal.

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## AUTHORSHIP NOTES

This regional response protocol was developed and written by the Regional Resource Center on Human Trafficking at Florida Gulf Coast University staff in collaboration with the center partners that include but are not limited to; the United States State's Attorney's Office, local and federal law enforcement, The Department of Children and Families and local NGO service providers.

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## NOTES

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