

By Senator Simmons

9-00739-17

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1                   A bill to be entitled  
2           An act relating to civil remedies for terrorism;  
3           creating s. 772.13, F.S.; creating a cause of action  
4           relating to terrorism; specifying a measure of  
5           damages; prohibiting claims by specified individuals;  
6           providing for attorney fees and court costs; providing  
7           construction; providing an effective date.

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

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11           Section 1. Section 772.13, Florida Statutes, is created to  
12           read:

13           772.13 Civil remedy for terrorism or facilitating or  
14           furthering terrorism.-

15           (1) A person who is injured by an act of terrorism as  
16           defined in s. 775.30 or a violation of a law for which the  
17           penalty is increased pursuant to s. 775.31 for facilitating or  
18           furthering terrorism has a cause of action for threefold the  
19           actual damages sustained and, in any such action, is entitled to  
20           minimum damages in the amount of \$1,000 and reasonable attorney  
21           fees and court costs in the trial and appellate courts.

22           (2) A person injured by reason of his or her participation  
23           in the same act or transaction that resulted in the act of  
24           terrorism or resulted in the defendant's penalty increase  
25           pursuant to s. 775.31 may not bring a claim under this section.

26           (3) The defendant is entitled to recover reasonable  
27           attorney fees and court costs in the trial and appellate courts  
28           upon a finding that the claimant raised a claim that was without  
29           support in fact or law.

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30           (4) In awarding attorney fees and court costs under this  
31 section, the court may not consider the ability of the opposing  
32 party to pay such fees and court costs.

33           (5) This section does not limit a right to recover attorney  
34 fees or costs under other provisions of law.

35           Section 2. This act shall take effect July 1, 2017.