

Bill No. SB 250

Barcode 805062

CHAMBER ACTION

Senate

House

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The Committee on Judiciary (Aronberg) recommended the following amendment:

Senate Amendment (with title amendment)

On page 6, between lines 25 and 26,

insert:

Section 3. Section 772.104, Florida Statutes, is amended to read:

772.104 Civil cause of action.--

(1) Any person who proves by clear and convincing evidence that he or she has been injured by reason of any violation of the provisions of s. 772.103 shall have a cause of action for threefold the actual damages sustained and, in any such action, is entitled to minimum damages in the amount of \$200, and reasonable attorney's fees and court costs in the trial and appellate courts.

(2) As an alternative to recovery under subsection (1), any person who proves by clear and convincing evidence that he or she has been injured by reason of any violation relating to sex trafficking or human trafficking shall have a

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1 cause of action for threefold the amount of profit gained from
2 the sex trafficking or human trafficking.

3 (3) In no event shall punitive damages be awarded
4 under this section. The defendant shall be entitled to recover
5 reasonable attorney's fees and court costs in the trial and
6 appellate courts upon a finding that the claimant raised a
7 claim which was without substantial fact or legal support. In
8 awarding attorney's fees and costs under this section, the
9 court shall not consider the ability of the opposing party to
10 pay such fees and costs. Nothing under this section shall be
11 interpreted as limiting any right to recover attorney's fees
12 or costs provided under other provisions of law.

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15 (Redesignate subsequent sections.)

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18 ===== T I T L E A M E N D M E N T =====

19 And the title is amended as follows:

20 On page 1, line 17, after the semicolon

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22

22 insert: amending s. 772.104, F.S.; revising a civil cause of
23 action relating to injuries by reason of criminal activity;
24 providing for alternative damages for violations relating to
25 sex trafficking and human trafficking;

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