

Bill No. SB 2704

Barcode 355022

CHAMBER ACTION

Senate

House

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The Committee on Judiciary (Geller) recommended the following
amendment to amendment (164840):

Senate Amendment (with title amendment)

On page 8, lines 8-15, delete those lines

and insert:

874.06 Civil cause of action.--

(1) A person or organization establishing, by clear and convincing evidence, coercion, intimidation, threats, or other harm to that person or organization in violation of this chapter has a civil cause of action for treble damages, an injunction, or any other appropriate relief in law or equity. Upon prevailing, the plaintiff may recover ~~reasonable~~ attorney's fees and costs in the trial and appellate courts and the costs of investigation and litigation, reasonably incurred.

(2) The state, including any of its agencies, instrumentalities, subdivisions, or municipalities, has a civil cause of action against any person or organization if it proves by clear and convincing evidence that it has been

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1 injured by reason of a violation of this chapter by the person
2 or organization. The state has a civil cause of action for
3 treble damages, injunctive relief, or any other relief in law
4 or equity which the court deems appropriate. If the state
5 prevails, it may also recover attorney's fees in the trial and
6 appellate courts and the costs of investigation and litigation
7 which are reasonably incurred. The state may not recover
8 punitive damages. The defendant is entitled to recover
9 reasonable attorney's fees and court costs if the court finds
10 that the state raised a claim that was without factual or
11 legal support.

12 (3) A prevailing plaintiff under subsection (1) has a
13 right or claim that is superior to any right or claim that the
14 state has in the same property or proceeds.

15 (4) A person who knowingly violates a temporary or
16 permanent order issued under this section commits a
17 misdemeanor of the first degree punishable as provided in s.
18 775.082 or s. 775.083.

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

22 And the title is amended as follows:

23 On page 40, lines 22 and 23, delete those lines

24

25 and insert:

26 the state to bring civil actions for certain
27 violations; providing that a plaintiff has a
28 superior claim to property or proceeds;
29 amending s. 874.08, F.S.;

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