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17 the recovered damages shall be retained by the fund. The
18 Attorney General has an obligation to make a good faith attempt
19 to locate the victim and, if the victim cannot be located after
20 such an effort, the council shall distribute the money in the
21 same manner as if the victim had died intestate. Where multiple
22 victims are entitled to payment from the same proceeds but those
23 proceeds are inadequate to pay all victims in full, the council
24 shall equitably apportion the funds among the victims.

25 (c) The action may be brought in any court of competent
26 jurisdiction and the standard of proof shall be the
27 preponderance of the evidence.

28 (d) A victim, or the Attorney General on behalf of a
29 victim, who prevails in any such action shall be entitled to
30 recover economic and noneconomic damages, penalties, punitive
31 damages, reasonable attorney fees, reasonable investigative
32 expenses, and the costs of the action. The measure of economic
33 damages for lawful work forced from the victim of human
34 trafficking shall be the greater of the fair market value of
35 services provided or the amount realized by the trafficker. The
36 measure of economic damages for every day of captivity shall be
37 the same as that payable to a person entitled to damages under
38 chapter 961. Economic damages of a victim shall also include
39 past and future medical expenses, repatriation expenses where a
40 victim elects repatriation, and all other reasonable costs and
41 expenses incurred by the victim in the past or estimated to be

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42 incurred by the victim in the future as a result of the
43 trafficking. Noneconomic damages shall be calculated as in a
44 tort action.

45 (e) The remedies provided in this section are in addition
46 to and cumulative with other legal and administrative remedies
47 available to victims of human trafficking, except that a victim
48 may not recover under both this section and s. 772.104(2).

49 (f) In the event a victim or the Attorney General prevails
50 in an action under this section, in addition to any other award
51 imposed, the court shall award a civil penalty against each
52 defendant in the amount of \$100,000 and enter judgment thereon
53 in favor of the prevailing victim or the Attorney General,
54 whichever was the prevailing party. This penalty shall be in
55 addition to, and not in lieu of, any punitive damage award. The
56 civil penalty shall be assessed by the court and not disclosed
57 to the jury.

58 (g) If a law enforcement agency rescued the victim or
59 located the property upon which the abuse or exploitation of a
60 victim or victims had occurred, the court shall impose a civil
61 penalty against the defendant in the civil action and in favor
62 of the law enforcement agency in the amount of \$50,000 for the
63 benefit of said law enforcement agency's future efforts to
64 combat human trafficking.

65 (5) CIVIL FORFEITURE PROCEEDINGS.—

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66 (a) The Attorney General may file a civil judicial
67 forfeiture action in the circuit courts of the state seeking a
68 judgment of forfeiture against an owner of real or personal
69 property that was knowingly or through willful blindness used in
70 the trafficking of a victim for sex or labor. The civil
71 forfeiture shall be for the benefit of the victim, to the extent
72 of his or her damages, or the council.

73 (b) Valid and lawful leases, recorded mortgages, or liens
74 of innocent third parties that were in existence prior to the
75 date of the filing of the civil action are not subject to
76 forfeiture, nor is property owned by a good faith purchaser for
77 value.

78 (c) Civil forfeiture actions brought under this section
79 are exempt from the requirements of the Florida Contraband
80 Forfeiture Act, ss. 932.701-932.7062, and shall be governed as
81 provided in this section.

82 (d) If a law enforcement agency of the state or any other
83 party, pursuant to the Florida Contraband Forfeiture Act or as
84 otherwise provided for by law, seeks the forfeiture of the same
85 property as the Attorney General, the Attorney General's claim
86 shall take priority over the law enforcement agency.

87 (e) The Attorney General in a forfeiture proceeding
88 brought under this section must proceed against property to be
89 forfeited by filing a complaint in the circuit court in the
90 jurisdiction where the seizure of the property or the offense

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91 occurred, paying a filing fee of \$1,000 and depositing a bond of
92 \$1,500 to the clerk of the court. Unless otherwise expressly
93 agreed to in writing by the parties, the bond shall be payable
94 to the claimant if the claimant prevails in the forfeiture
95 proceeding and in any appeal.

96 (f) The complaint must be styled, "In RE: FORFEITURE OF "
97 (followed by the name or description of the property). The
98 complaint must contain a brief jurisdictional statement, a
99 description of the subject matter of the proceeding, and a
100 statement of the facts sufficient to state a cause of action
101 that would support a final judgment of forfeiture. The complaint
102 must be accompanied by a verified supporting affidavit.

103 (g) The court must require any claimant who desires to
104 contest the forfeiture to file and serve upon the plaintiff any
105 responsive pleadings and affirmative defenses within 20 days
106 after receipt of the complaint.

107 (h) If the property is required by law to be titled or
108 registered, or if the seized property is subject to a perfected
109 security interest in accordance with chapter 679, the Uniform
110 Commercial Code, the Attorney General shall serve the forfeiture
111 complaint as an original service of process under the Florida
112 Rules of Civil Procedure and other applicable law to each person
113 having an ownership or security interest in the property. The
114 Attorney General shall also publish, in accordance with chapter
115 50, notice of the forfeiture complaint once each week for 2

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116 consecutive weeks in a newspaper of general circulation, as
117 defined in s. 165.031, in the county where the property is
118 located.

119 (i) The complaint must describe the property to be
120 forfeited. If the property to be forfeited has been seized by a
121 law enforcement agency, the complaint must state the county,
122 place, and date of seizure; state the name of the law
123 enforcement agency holding the seized property; and state the
124 name of the court in which the complaint will be filed.

125 (j) The Attorney General must make a diligent search and
126 inquiry as to the owner of the subject property, and if, after
127 such diligent search and inquiry, the Attorney General is unable
128 to ascertain any person entitled to notice, the actual notice
129 requirements by mail shall not be applicable.

130 (k) Upon proof by the preponderance of the evidence that
131 the property to be forfeited was used in the trafficking of a
132 person for sex or labor, the court must order the property
133 forfeited to the council. The final order of forfeiture by the
134 court shall perfect in the council right, title, and interest in
135 and to such property, subject only to the rights and interests
136 of bona fide lienholders, and, if applicable, shall relate back
137 to the date of seizure or the filing of a lis pendens.

138 (l) Following an order of forfeiture to the council,
139 subject only to the rights and interests of bona fide
140 lienholders, the property or the proceeds from the sale of such

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141 forfeited property shall be transferred to the victim of human
142 trafficking who the property was used in the course of such
143 trafficking up to the extent of her or his individual judgment
144 against the trafficker. In the event multiple victims were
145 subjected to human trafficking and for whom the property was
146 used in the course of such trafficking, the transfer of property
147 or proceeds from sale shall be made on a pro rata share basis.
148 If there are excess or unclaimed proceeds, the council shall
149 deposit the proceeds from sale of such property to fund for the
150 purpose of covering the expenses of the fund, the benefit of
151 other victims of human trafficking, and for the benefit of
152 combating human trafficking.

153 (m) If a claimant prevails at the conclusion of a
154 forfeiture proceeding involving property seized by law
155 enforcement and the Attorney General decides not to appeal, any
156 seized property must be released immediately to the person
157 entitled to possession of the property as determined by the
158 court. Under such circumstances, the seizing agency shall not
159 assess any towing charges, storage fees, administrative costs,
160 or maintenance costs against the claimant with respect to the
161 seized property or forfeiture proceeding.

162 (n) If a claimant prevails at the conclusion of a
163 forfeiture proceeding involving seized property, the trial court
164 must require the seizing agency to pay to the claimant the
165 reasonable loss of value of the seized property. If a claimant

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166 prevails at trial or on appeal and the seizing agency retained
167 the seized property during the trial or appellate process, the
168 trial court shall also require the seizing agency to pay to the
169 claimant any loss of income directly attributed to the continued
170 seizure of income-producing property during the trial or
171 appellate process. If the claimant prevails on appeal, the
172 seizing agency shall immediately release the seized property to
173 the person entitled to possession of the property as determined
174 by the court, pay any cost as assessed by the court, and may not
175 assess any towing charges, storage fees, administrative costs,
176 or maintenance costs against the claimant with respect to the
177 seized property or the forfeiture proceeding.

178 (o) If the claimant prevails, at the close of forfeiture
179 proceedings and any appeal, the court shall award reasonable
180 trial attorney fees and costs to the claimant if the court finds
181 that the Attorney General has not proceeded in good faith. The
182 court may order the Attorney General to pay the awarded attorney
183 fees and costs

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186 **T I T L E A M E N D M E N T**

187 Remove lines 6-7 and insert:
188 trafficking or the Attorney General against certain persons;