

By Senator Rodriguez

39-01614-22

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1                   A bill to be entitled  
2       An act relating to civil actions by victims of human  
3       trafficking; creating s. 787.061, F.S.; providing  
4       legislative findings; defining terms; authorizing a  
5       victim of human trafficking to bring a civil action  
6       against specified persons or entities; specifying that  
7       a victim of human trafficking who prevails in such an  
8       action is entitled to recover specified damages,  
9       penalties, fees, expenses, and costs; providing for  
10      the calculation and inclusion of economic damages and  
11      noneconomic damages; specifying the required standard  
12      of proof; providing that there is no statute of  
13      limitation for such civil actions; providing an  
14      effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18       Section 1. Section 787.061, Florida Statutes, is created to  
19      read:

20       787.061 Civil actions by victims of human trafficking.—

21       (1) LEGISLATIVE FINDINGS.—The Legislature finds that, to  
22      achieve the goals of the state relating to human trafficking as  
23      specified in s. 787.06(1)(d), it is necessary to provide a civil  
24      cause of action for the recovery of compensatory and punitive  
25      damages and costs.

26       (2) DEFINITIONS.—As used in this section, the term:

27       (a) "Human trafficking" has the same meaning as in s.  
28      787.06.

29       (b) "Labor" has the same meaning as in s. 787.06.

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30 (c) "Services" has the same meaning as in s. 787.06.

31 (d) "Venture" has the same meaning as in s. 787.06.

32 (e) "Victim of human trafficking" means an individual  
33 subjected to coercion as defined in s. 787.06 for the purpose of  
34 being used in human trafficking, a child under 18 years of age  
35 subjected to human trafficking, or an individual subjected to  
36 human trafficking as defined by federal law.

37 (3) CIVIL CAUSE OF ACTION.—

38 (a) A victim of human trafficking may bring a civil action  
39 against any person, business, entity, or organization that  
40 knowingly, or with reckless disregard of the facts, engages or  
41 attempts to engage in an act of human trafficking or benefits  
42 financially by receiving anything of value from participation in  
43 a venture that the person, business, entity, or organization  
44 knew or should have known engaged in an act of human  
45 trafficking.

46 (b) A victim of human trafficking who prevails in a civil  
47 action is entitled to recover economic and noneconomic damages,  
48 penalties, punitive damages, reasonable attorney fees,  
49 reasonable investigative expenses, and costs.

50 1. The measure of economic damages for labor or services  
51 coerced from the victim of human trafficking is the greater of  
52 the fair market value of the labor or services provided or the  
53 amount realized by the trafficker.

54 2. The measure of economic damages must be calculated as a  
55 daily amount of the compensation payable to a person under s.  
56 961.06(1)(a) for every day the victim was subject to human  
57 trafficking.

58 3. Economic damages also include past and future medical

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59 expenses and mental health expenses; repatriation expenses, if a  
60 victim elects repatriation; loss of earning potential; and all  
61 other reasonable costs and expenses incurred by the victim in  
62 the past or estimated to be incurred by the victim in the future  
63 as a result of the human trafficking.

64 4. Noneconomic damages are nonfinancial losses that would  
65 not have occurred but for the victimization and include physical  
66 harm, pain and suffering, psychological harm, physical  
67 impairment, mental anguish, disfigurement, loss of capacity for  
68 enjoyment of life, reputational harm, and other nonfinancial  
69 losses.

70 (c) The action may be brought in any court of competent  
71 jurisdiction, and the standard of proof is a preponderance of  
72 the evidence.

73 (d) There is no statute of limitation for actions brought  
74 pursuant to this section.

75 Section 2. This act shall take effect July 1, 2022.