

Bill No. HB 1925, 1st Eng.

Barcode 132308

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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11 Senator Webster moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 Delete everything after the enacting clause

15  
16 and insert:

17 Section 1. Section 774.01, Florida Statutes, is  
18 created to read:

19 774.01 Capacity to sue.--

20 (1)(a) In any action asserting the right to class  
21 action status, the claimant class with capacity to sue shall  
22 be limited to residents of this state at the time of the  
23 alleged misconduct, except as provided in paragraph (b).

24 (b) Prior to issuance of the certification order, the  
25 court may expand a class to include any nonresident whose  
26 claim is recognized within the claimant's state of residence  
27 and is not time-barred, but whose rights cannot be asserted  
28 because the claimant's state of residence lacks personal  
29 jurisdiction over the defendant or defendants. In addition,  
30 the claimant class may include nonresidents if the conduct  
31 giving rise to the claim occurred in or emanated from this

1 state.

2       (2) Notwithstanding any law to the contrary, in order  
3 to maintain a class action seeking monetary relief, the class  
4 must allege and prove actual damages. In any such class  
5 action, the monetary recovery shall be limited to equitable  
6 relief, if appropriate, and the amount of actual damages.  
7 Nothing in this section shall be construed to limit or  
8 restrict the ability of the Attorney General to bring a class  
9 action for the recovery of statutory penalties, if otherwise  
10 authorized by law. However, class action claimants may seek to  
11 obtain, if appropriate, nonmonetary relief, including  
12 injunctive relief and orders, declaratory relief and orders,  
13 judgments enjoining wrongful conduct, or equitable relief,  
14 regardless of whether the class action claimants can prove any  
15 actual monetary damages. Nothing in this section shall be  
16 construed to in any way limit or restrict the availability of  
17 such nonmonetary relief.

18           Section 2. This act shall take effect July 1, 2005.

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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           Delete everything before the enacting clause

24

25 and insert: An act relating to class action lawsuits;  
26 creating s. 774.01, F.S.; providing requirements for capacity  
27 to file a class action; limiting actions to Florida residents;  
28 providing exceptions; providing requirements for monetary  
29 relief; eliminating private class action recovery of statutory  
30 penalties and other forms of monetary relief other than  
31 equitable relief and actual damages; providing monetary

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1 relief; providing for availability of nonmonetary relief;  
2 providing an effective date.

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