

Bill No. HB 1925, 1st Eng.

Barcode 405302

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

17 Section 2. This act does not affect any class action
18 lawsuits involving federal or state civil rights laws.

19 Section 3. This act shall take effect July 1, 2005.

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

23 And the title is amended as follows:

24 Delete everything before the enacting clause

25

26 and insert:

27 An act relating to class action lawsuits; creating s.
28 774.01, F.S.; providing requirements for capacity to file a
29 class action; limiting actions to Florida residents; providing
30 exceptions; providing requirements for monetary relief;
31 eliminating private class action recovery of statutory

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1 penalties and other forms of monetary relief other than actual
2 damages; providing monetary relief; providing for availability
3 of nonmonetary relief; providing no effect on class action
4 lawsuits involving civil rights laws; providing an effective
5 date.

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