

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Seiler offered the following:

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3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Section 774.01, Florida Statutes, is created to
6 read:

7 774.01 Capacity to sue.--

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

12 (b) Prior to issuance of the certification order, the
13 court may expand a class to include any nonresident whose claim
14 is recognized within the claimant's state of residence and is
15 not time barred, but whose rights cannot be asserted because the

502583

4/26/2005 2:08:50 PM

Amendment No. (for drafter's use only)

16 claimant's state of residence lacks personal jurisdiction over
17 the defendant or defendants. In addition, the claimant class may
18 include nonresidents if the conduct giving rise to the claim
19 occurred in or emanated from this state.

20 (2) Notwithstanding any law to the contrary, in order to
21 maintain a class action seeking monetary relief, the class must
22 allege and prove either actual or statutory damages. Nothing in
23 this section shall be construed to limit or restrict the ability
24 of the Attorney General to bring a class action for the recovery
25 of statutory penalties, if otherwise authorized by law. Class
26 action claimants may also seek to obtain, if appropriate,
27 nonmonetary relief or future relief, including injunctive relief
28 and orders or declaratory relief and orders or judgments
29 enjoining wrongful conduct, regardless of whether the class
30 action claimants can prove any actual monetary damages or
31 statutory damages. Nothing in this section or in s. 774.02 shall
32 be construed to in any way limit or restrict the availability of
33 such nonmonetary relief.

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

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

37 Remove the entire title and insert:

38 A bill to be entitled

39 An act relating to class action lawsuits; creating s.
40 774.01, F.S.; providing requirements for capacity to file
41 a class action; limiting actions to Florida residents;
42 providing exceptions; providing requirements for monetary

502583

4/26/2005 2:08:50 PM

Amendment No. (for drafter's use only)

43 relief; eliminating private class action recovery of
44 statutory penalties and other forms of monetary relief
45 other than actual damages; providing monetary relief;
46 providing for availability of nonmonetary relief;
47 providing an effective date.

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4/26/2005 2:08:50 PM