

Bill No. HB 1925, 1st Eng.

Barcode 903352

	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

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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 nor does this section limit any remedy
18 available under chapter 501, 772, or 760, Florida Statutes.

19 Section 2. 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

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

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1 equitable relief and actual damages; providing exceptions;
2 providing monetary relief; providing for availability of
3 nonmonetary relief; providing an effective date.

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