

1 A bill to be entitled
2 An act relating to class action lawsuits;
3 creating s. 774.01, F.S.; providing
4 requirements for capacity to file a class
5 action; limiting actions to Florida residents;
6 providing exceptions; providing requirements
7 for monetary relief; eliminating private class
8 action recovery of statutory penalties and
9 other forms of monetary relief other than
10 actual damages; providing monetary relief;
11 providing for availability of nonmonetary
12 relief; providing no effect on class action
13 lawsuits involving civil rights laws; providing
14 an effective date.

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

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

20 774.01 Capacity to sue.--

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

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

1 giving rise to the claim occurred in or emanated from this
2 state.

3 (2) Notwithstanding any law to the contrary, in order
4 to maintain a class action seeking monetary relief, the class
5 must allege and prove actual damages. In any such class
6 action, the monetary recovery shall be limited to the amount
7 of actual damages. Nothing in this section shall be construed
8 to limit or restrict the ability of the Attorney General to
9 bring a class action for the recovery of statutory penalties,
10 if otherwise authorized by law. However, class action
11 claimants may seek to obtain, if appropriate, nonmonetary
12 relief, including injunctive relief and orders or declaratory
13 relief and orders or judgments enjoining wrongful conduct,
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 does not affect any class action
19 lawsuits involving federal or state civil rights laws.

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