

Bill No. SB 2304

Barcode 084500

CHAMBER ACTION

Senate

House

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Comm: RCS
04/20/2006 09:46 AM

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The Committee on Judiciary (Baker) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Capacity to sue.--

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

(b)1. Before issuing a class certification order, the court hearing an action asserting the right to class action status may expand a class to include any nonresident whose claim is recognized within the claimant's state of residence and is not time-barred, but whose rights cannot be asserted because the claimant's state of residence lacks personal jurisdiction over the defendant or defendants.

2. In addition, the claimant class may include nonresidents if the conduct giving rise to the claim occurred

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1 in or emanated from this state.

2 (2) Notwithstanding any law to the contrary, in order
3 to maintain a class action seeking statutory penalties under
4 chapters 320, 501, 520, and 521, Florida Statutes, the class
5 action claimants must allege and prove actual damages. This
6 section does not limit or restrict the ability of the Attorney
7 General to bring a class action for the recovery of statutory
8 penalties, if otherwise authorized by law. However, class
9 action claimants may seek to obtain, if appropriate,
10 nonmonetary relief, including injunctive relief, orders or
11 declaratory relief, and orders or judgments enjoining wrongful
12 conduct, regardless of whether the class action claimants can
13 prove any actual monetary damages. This section does not in
14 any way limit or restrict the availability of such nonmonetary
15 relief.

16 (3) This section does not affect any class action
17 lawsuits involving federal or state civil rights laws.

18 Section 2. This act shall take effect July 1, 2006.

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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:

26 A bill to be entitled

27 An act relating to class action lawsuits;

28 providing requirements for capacity to file a

29 class action; limiting actions to Florida

30 residents; providing exceptions; eliminating

31 private class action recovery of statutory

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1 penalties in certain actions unless actual
2 damages are alleged and proven; providing that
3 the Attorney General's ability to seek
4 statutory penalties is not affected; providing
5 for availability of nonmonetary relief;
6 providing for no effect on class action
7 lawsuits involving civil rights laws; providing
8 an effective date.

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