

By Senator Baker

20-1208-06

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.

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

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

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1 may include nonresidents if the conduct giving rise to the  
2 claim occurred in or emanated from this 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. This section does not limit or restrict the  
8 ability of the Attorney General to bring a class action for  
9 the recovery of statutory penalties, if otherwise authorized  
10 by law. However, class action claimants may seek to obtain, if  
11 appropriate, nonmonetary relief, including injunctive relief,  
12 orders or declaratory relief, and orders or judgments  
13 enjoining wrongful conduct, regardless of whether the class  
14 action claimants can prove any actual monetary damages. This  
15 section does not in any way limit or restrict the availability  
16 of 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, 2006.

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22 SENATE SUMMARY

23 Provides requirements for capacity to file a class  
24 action. Limits actions to Florida residents. Provides  
25 exceptions. Provides requirements for monetary relief.  
26 Eliminates private class action recovery of statutory  
27 penalties and other forms of monetary relief other than  
28 actual damages. Provides monetary relief. Provides for  
29 availability of nonmonetary relief. Provides no effect on  
30 class action lawsuits involving civil rights laws.  
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