

1                                   A bill to be entitled  
 2           An act relating to class action lawsuits; creating s.  
 3           778.01, F.S.; providing requirements for capacity to file  
 4           a class action; limiting actions to Florida residents;  
 5           providing exceptions; eliminating private class action  
 6           recovery of statutory penalties in certain actions unless  
 7           actual damages are alleged and proven; providing that the  
 8           Attorney General's ability to seek statutory penalties is  
 9           not affected; providing for availability of nonmonetary  
 10          relief; providing no effect on class action lawsuits  
 11          involving civil rights laws; providing an effective date.

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

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 15           Section 1. Section 778.01, Florida Statutes, is created to  
 16           read:

17           778.01 Capacity to sue.--

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

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

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29        2. In addition, the claimant class may include  
30 nonresidents if the conduct giving rise to the claim occurred in  
31 or emanated from this state.

32        (2) Notwithstanding any law to the contrary, in order to  
33 maintain a class action seeking statutory penalties under  
34 chapters 320, 501, 520, and 521, the class action claimants must  
35 allege and prove actual damages. This section does not limit or  
36 restrict the ability of the Attorney General to bring a class  
37 action for the recovery of statutory penalties, if otherwise  
38 authorized by law. However, class action claimants may seek to  
39 obtain, if appropriate, nonmonetary relief, including injunctive  
40 relief, orders or declaratory relief, and orders or judgments  
41 enjoining wrongful conduct, regardless of whether the class  
42 action claimants can prove any actual monetary damages. This  
43 section does not in any way limit or restrict the availability  
44 of such nonmonetary relief.

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

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