

ENROLLED
 HB 7259, Engrossed 1

2006 Legislature

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

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

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

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

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

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

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