

By Representative Smith

1 A bill to be entitled
2 An act relating to assessment of damages after
3 dissolution of an injunction; amending s.
4 60.07, F.S.; providing that in the absence of
5 an injunction bond, any damages recovered on
6 dissolution of the injunction shall be subject
7 to the waiver of sovereign immunity limits as
8 described in s. 768.28, F.S.; providing an
9 effective date.

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

Section 1. Section 60.07, Florida Statutes, is amended to read:

60.07 Assessment of damages after dissolution.--In injunction actions, on dissolution, the court may hear evidence and assess damages to which a defendant may be entitled under any injunction bond, eliminating the necessity for an action on the injunction bond if no party has requested a jury trial on damages. In the absence of a bond, any damages recovered on dissolution of the injunction shall be subject to the limitations of s. 768.28(5). The posting of an injunction bond shall not be deemed a waiver of sovereign immunity under s. 768.28.

Section 2. This act shall take effect July 1, 2002.

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HOUSE SUMMARY

Revises a provision of law governing assessment of damages after dissolution of an injunction to provide that in the absence of an injunction bond any damages recovered on dissolution of the injunction shall be subject to the provision of law governing waiver of sovereign immunity, provided that the posting of an injunction bond shall not be deemed a waiver of sovereign immunity.