



HB 1867

2003

1                                   A bill to be entitled  
2           An act relating to the tobacco settlement agreement;  
3           creating s. 569.23, F.S.; limiting the amount of appeal  
4           bond that may be ordered; providing an exception;  
5           providing an effective date.

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

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9           Section 1.   Section 569.23, Florida Statutes, is created to  
10          read:

11           569.23 Bond requirements for tobacco settlement agreement  
12          signatories, successors, and affiliates.--

13           (1) In any civil action involving a signatory or successor  
14          or an affiliate of a signatory to the tobacco settlement  
15          agreement, as defined in s. 215.56005(1)(f), the appeal bond to  
16          be furnished during the pendency of all appeals or discretionary  
17          appellate reviews of any judgment in such litigation shall be  
18          set pursuant to applicable laws or court rules, except that the  
19          total bond for all defendants may not exceed \$100 million,  
20          regardless of the total value of the judgment.

21           (2) Notwithstanding subsection (1), if, after notice and  
22          hearing, a plaintiff proves by a preponderance of the evidence  
23          that a defendant who posted such bond or equivalent surety is  
24          purposefully dissipating assets outside the ordinary course of  
25          business to avoid payment of the judgment, the court may enter  
26          necessary orders to protect the plaintiff, including an order  
27          that the bond or equivalent surety be posted in an amount up to  
28          the full amount of the judgment.



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29           Section 2. This act shall take effect July 1, 2003, and  
30 shall apply to all cases pending on or filed on or after that  
31 date.