

By Senator Haridopolos

26-2199-03

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

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

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

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

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

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

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

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6 SENATE SUMMARY

7 Limits the amount of appeal bond that may be ordered in
8 the tobacco settlement agreement. Provides an exception.

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