

Bill No. SB 2250

Barcode 620072

CHAMBER ACTION

Senate

House

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Comm: RCS
04/25/2006 09:46 PM

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The Committee on Judiciary (Geller) recommended the following amendment:

Senate Amendment (with title amendment)

On page 1, line 20, through
page 2, line 7, delete those lines

and insert: the amount of a supersedeas bond necessary to obtain an automatic stay of execution of a judgment granting any type of relief during the entire course of all appeals or discretionary reviews, may not exceed \$50 million for each appellant, regardless of the amount of the judgment appealed. The \$50-million figure shall be adjusted annually to reflect changes in the Consumer Price Index.

(2) In any civil action brought under any legal authority theory, a party seeking a stay of execution pending review of a judgment of any amount may move the court to reduce the amount of a supersedeas bond required to obtain such a stay. The court, in the interest of justice and for good cause shown, may reduce the supersedeas bond or may set other conditions for the stay with or without a bond. The

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1 court may not reduce the supersedeas bond if the appellant has
 2 an insurance or indemnification policy applicable to the case.
 3 This subsection does not apply to certified class actions
 4 subject to s. 768.733.

5 (3) If an appellant has posted a supersedeas bond for
 6 an amount less than that which would be required for an
 7 automatic stay pursuant to Rule 9.310(b)(1), Florida Rules of
 8 Appellate Procedure, the appellee may engage in discovery for
 9 the limited purpose of determining whether the appellate has
 10 dissipated or diverted assets outside the course of its
 11 ordinary business or is in the process of doing so.

12 (4) If the trial or appellate court determines that an
 13 appellant has dissipated or diverted assets outside the course
 14 of its ordinary business or is in the process of doing so, the
 15 court may enter orders necessary to protect the appellee,
 16 require the appellate to post a supersedeas bond in an amount
 17 up to, but not more than, the amount that would be required
 18 for an automatic stay pursuant to Rule 9.310(b)(1), Florida
 19 Rules of Appellate Procedure, and impose other remedies and
 20 sanctions as the court deems appropriate.

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23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 Delete everything before the enacting clause

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27 and insert:

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A bill to be entitled

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An act relating to supersedeas bond; creating

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s. 768.734, F.S.; limiting the amount of

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supersedeas bond required for certain

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1 appellants; providing that a party may move the
2 court to reduce the supersedeas bond; providing
3 an exception to limits if an appellant engages
4 in certain conduct for the purpose of avoiding
5 payment of the judgment; providing an effective
6 date.

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