

1 other conditions for the stay with or without a bond. The
2 court may not reduce the supersedeas bond if the appellant has
3 an insurance or indemnification policy applicable to the case.
4 This subsection does not apply to certified class actions
5 subject to s. 768.733.

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

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

22 Section 2. This act shall take effect July 1, 2006.
23
24
25
26
27
28
29
30
31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 2250

Increases the maximum amount of a supersedeas bond necessary to stay execution pending review of a judgment from \$25 million for all appellants in the aggregate to \$50 million for each appellant.

Deletes the provision requiring a lower maximum amount for a supersedeas bond if the appellant is an individual or independently owned and operated business with 400 or fewer employees.

Permits the court to reduce the amount of the bond or to set other conditions for the stay with or without bond in certain circumstances.

Authorizes limited discovery for the purpose of determining whether an appellant has dissipated or diverted assets outside the course of its ordinary business or is in the process of doing so if the amount of the supersedeas bond posted is less than that which would be required under Rule 9.310(b)(1), Florida Rules of Appellate Procedure.

Expands the remedies available to the court if the court determines that an appellant has dissipated or diverted assets outside the course of its ordinary business or is in the process of doing so to permit the court to impose other remedies and sanctions as the court deems appropriate.