

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Attkisson offered the following:

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3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Section 45.045, Florida Statutes, is created to
6 read:

7 45.045 Limitations on supersedeas bond; exception.--

8 (1) Except for certified class actions subject to s.
9 768.733, in any civil action brought under any legal theory, the
10 amount of a supersedeas bond necessary to obtain an automatic
11 stay of execution of a judgment granting any type of relief
12 during the entire course of all appeals or discretionary
13 reviews, may not exceed \$50 million for each appellant,
14 regardless of the amount of the judgment appealed. The \$50
15 million amount shall be adjusted annually to reflect changes in
16 the Consumer Price Index compiled by the United States
17 Department of Labor.

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18 (2) In any civil action brought under any legal theory, a
19 party seeking a stay of execution of a judgment pending review
20 of any amount may move the court to reduce the amount of a
21 supersedeas bond required to obtain such a stay. The court, in
22 the interest of justice and for good cause shown, may reduce the
23 supersedeas bond or may set other conditions for the stay with
24 or without a bond. The court may not reduce the supersedeas bond
25 if the appellant has an insurance or indemnification policy
26 applicable to the case. This subsection does not apply to
27 certified class actions subject to s. 768.733.

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

35 (4) If the trial or appellate court determines that an
36 appellant has dissipated or diverted assets outside the course
37 of its ordinary business or is in the process of doing so, the
38 court may enter orders necessary to protect the appellee,
39 require the appellant to post a supersedeas bond in an amount up
40 to, but not more than, the amount that would be required for an
41 automatic stay pursuant to Rule 9.310(b)(1), Florida Rules of
42 Appellate Procedure, and impose other remedies and sanctions as
43 the court deems appropriate.

44 Section 2. This act shall take effect July 1, 2006, and
45 shall apply to judgments rendered on or after that date.

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

48 Remove the entire title and insert:

49 A bill to be entitled

50 An act relating to supersedeas bond; creating s. 45.045,
51 F.S.; limiting the amount of supersedeas bond required for
52 certain appellants; providing that a party may move the
53 court to reduce the supersedeas bond; providing an
54 exception to limits if an appellant engages in certain
55 conduct for the purpose of avoiding payment of the
56 judgment; providing applicability; providing an effective
57 date.