

HB 841

2006

1 A bill to be entitled

2 An act relating to supersedeas bond; creating s. 768.734,
3 F.S.; providing limits on the amount of supersedeas bond
4 in the aggregate necessary to stay execution of a
5 judgment; limiting the amount of supersedeas bond required
6 for certain appellants; providing an exception to limits
7 if an appellant engages in certain conduct for the purpose
8 of avoiding payment of the judgment; providing an
9 effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Section 768.734, Florida Statutes, is created
14 to read:

15 768.734 Limitations on supersedeas bond; exception.--

16 (1) Except for certified class actions subject to s.
17 768.733, in any civil action brought under any legal theory, the
18 amount of a supersedeas bond necessary to stay execution of a
19 judgment granting any type of relief during the entire course of
20 all appeals or discretionary reviews shall not exceed \$25
21 million for all appellants in the aggregate, regardless of the
22 amount of the judgment appealed.

23 (2) If an appellant is an individual or independently
24 owned and operated business with 400 or fewer full-time
25 employees, the supersedeas bond, at the discretion of the
26 appellant, may not exceed 5 percent of the appellant's net
27 assets or \$1 million in the aggregate.

HB 841

2006

28 (3) Notwithstanding subsections (1) and (2), if an
29 appellee proves by a preponderance of the evidence that an
30 appellant who has posted a supersedeas bond is intentionally
31 dissipating or diverting assets outside the course of its
32 ordinary business for the purpose of avoiding payment of the
33 judgment, a court may enter orders necessary to protect the
34 appellee or that require the appellant to post a supersedeas
35 bond in an amount up to and including the total amount of the
36 judgment.

37 Section 2. This act shall take effect July 1, 2006.