

HB 841

2006
CS

CHAMBER ACTION

1 The Civil Justice Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

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

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

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17 Section 1. Section 768.734, Florida Statutes, is created
18 to read:

19 768.734 Limitations on supersedeas bond; exception.--

20 (1) Except for certified class actions subject to s.
21 768.733, in any civil action brought under any legal theory, the
22 amount of a supersedeas bond necessary to stay execution of a
23 judgment granting any type of relief during the entire course of

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24 all appeals or discretionary reviews shall not exceed \$25
25 million for all appellants in the aggregate, regardless of the
26 amount of the judgment appealed.

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

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

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