

CHAMBER ACTION

1 The Justice Council 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 necessary to stay execution of a judgment; limiting the  
9 amount of supersedeas bond required for certain  
10 appellants; providing an exception to limits if an  
11 appellant engages in certain conduct for the purpose of  
12 avoiding payment of the judgment; providing applicability;  
13 providing an 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 each appellant, regardless of the amount of the  
26 judgment appealed.

27 (2) If an appellant is an individual or is an  
28 independently owned and operated business with 300 or fewer  
29 full-time employees, the supersedeas bond may not exceed 5  
30 percent of the appellant's net assets or \$5 million, whichever  
31 is greater.

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, then in addition to the rights and liability set forth  
38 in ss. 607.06401 and 607.0834, a court may enter orders  
39 necessary to protect the appellee, including reasonable but  
40 narrowly tailored discovery under Rule 1.280, Florida Rules of  
41 Civil Procedure, or that require the appellant to post a  
42 supersedeas bond in an amount up to and including the total  
43 amount of the judgment.

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