



187868

LEGISLATIVE ACTION

Senate	.	House
Comm: TP	.	
04/21/2009	.	
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The Committee on Judiciary (Peaden) recommended the following:

Senate Amendment (with title amendment)

Delete lines 28 - 66
and insert:

(2) In any civil action involving a signatory, ~~or~~
successor, or an affiliate of a signatory to a the tobacco
settlement agreement, ~~as defined in s. 215.56005(1)(f)~~, the
supersedeas appeal bond or other surety to be furnished during
the pendency of all appeals or discretionary appellate reviews
of any judgment in such litigation shall be set pursuant to
applicable laws or court rules, except that the total value of
all supersedeas bonds or other surety required to stay the



187868

13 execution of the judgment bond for all defendants may not exceed
14 \$15 million ~~\$100 million~~ for all appellants, regardless of the
15 total value of the judgment.

16 (3)(2) Notwithstanding subsection (2) ~~subsection (1)~~, if,
17 after notice and hearing, a plaintiff proves by a preponderance
18 of the evidence that a defendant who posted a supersedeas ~~such~~
19 bond or other equivalent surety is purposefully dissipating
20 assets outside the ordinary course of business to avoid payment
21 of the judgment, the court may enter necessary orders as to that
22 defendant to protect the plaintiff, including an order that the
23 bond or equivalent surety be posted in an amount up to the full
24 amount of the judgment against that defendant.

25 (4)(3) This section does not apply to any past, present, or
26 future action brought by the State of Florida against one or
27 more signatories to the settlement agreement.

28
29 ===== T I T L E A M E N D M E N T =====

30 And the title is amended as follows:

31 Delete lines 3 - 14

32 and insert:

33
34 amending s. 569.23, F.S.; defining a term; reducing the amount
35 of the bond or surety required to stay the execution of certain
36 judgments against certain cigarette manufacturers during
37 appellate proceedings; permitting a court to order a specific
38 defendant that dissipates assets to avoid payment of a judgment
39 to increase the surety; providing applicability; providing an