



202380

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/21/2009	.	
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	.	
	.	

The Committee on Judiciary (Peaden) recommended the following:

1 **Senate Amendment to Amendment (117940) (with title**
2 **amendment)**

3
4 Delete lines 13 - 160

5 and insert:

6 1466AH (Fla. 15th Cir. Ct.).

7 (2) In any civil action involving a signatory, ~~or~~
8 successor, ~~or an~~ affiliate of a signatory to a ~~the~~ tobacco
9 settlement agreement, ~~as defined in s. 215.56005(1)(f)~~, the
10 supersedeas appeal bond or other surety to be furnished during
11 the pendency of all appeals or discretionary appellate reviews
12 of any judgment in such litigation shall be set pursuant to



13 applicable laws or court rules, except that the total value of
14 all supersedeas bonds required to stay the execution of the
15 judgment bond for all defendants may not exceed \$15 million for
16 all appellants collectively ~~\$100 million~~, regardless of the
17 total value of the judgment.

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

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

30
31
32 ===== T I T L E A M E N D M E N T =====

33 And the title is amended as follows:

34
35 Delete lines 170 - 181
36 and insert:
37 amending s. 569.23, F.S.; defining a term; reducing
38 the amount of the bond or surety required to stay the
39 execution of certain judgments against certain
40 cigarette manufacturers during appellate proceedings;
41 permitting a court to order a specific defendant that



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dissipates assets to avoid payment of a judgment to
increase the surety; providing applicability;