



244806

LEGISLATIVE ACTION

Senate

.

House

.

.

Floor: WD/2R

.

04/30/2009 05:07 PM

.

.

Senator Peaden moved the following:

Senate Amendment (with title amendment)

Delete lines 27 - 172

and insert:

1466AH (Fla. 15th Cir. Ct. 1996).

(2) In any civil action involving a signatory, ~~or~~ successor, or ~~an~~ affiliate of a signatory to a the tobacco settlement agreement brought by or on behalf of persons who claim or have been determined to be members of a former class action that was decertified in whole or in part, as defined in s. 215.56005(1)(f), the supersedeas appeal bond to be furnished during the pendency of all appeals taken as a matter of right ~~or~~



244806

13 ~~discretionary appellate reviews~~ of any judgment in such
14 litigation shall be set pursuant to applicable laws or court
15 rules, except that the supersedeas bond required to stay the
16 execution of the judgment the total bond for all defendants may
17 not exceed \$5 ~~\$100~~ million for all appellants collectively,
18 regardless of the total value of the judgment. If the total
19 amount of all such bonds in appeals taken as a matter of right
20 in state courts is in excess of \$500 million at the time a
21 motion is made under s. 45.045(3), the court shall deem that
22 good cause has been shown for the purpose of s. 45.045(2) and
23 shall reduce the supersedeas bond to an amount less than \$5
24 million for all appellants collectively or set other conditions
25 for the stay with or without a bond.

26 (3) ~~(2)~~ Notwithstanding subsection (2) ~~(1)~~, if, after notice
27 and hearing, a plaintiff proves by a preponderance of the
28 evidence that a defendant who posted a supersedeas ~~such~~ bond or
29 other equivalent surety is purposefully dissipating assets
30 outside the ordinary course of business to avoid payment of the
31 judgment, or if the bond in the plaintiff's case had been
32 reduced pursuant to subsection (2) and the total amount of all
33 such bonds is no longer in excess of \$500 million, the court may
34 enter necessary orders to protect the plaintiff, including an
35 order that the bond or equivalent surety be posted in an amount
36 up to the full amount of the judgment.

37 (4) ~~(3)~~ This section does not apply to any past, present, or
38 future action brought by the State of Florida against one or
39 more signatories to the settlement agreement.

40 (5) This section expires July 1, 2012.



244806

42 ===== T I T L E A M E N D M E N T =====

43 And the title is amended as follows:

44 Delete lines 3 - 14

45 and insert:

46 amending s. 569.23, F.S.; providing a definition;
47 limiting the size of a supersedeas bond required to
48 stay the execution of certain judgments during
49 appellate proceedings; permitting a court to order
50 that the bond or other surety be increased to the full
51 amount of the judgment in certain circumstances;
52 providing for future expiration; providing
53 applicability;